



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 18, 2011

House Amendment 1001

PAG LIN

1 1 Amend House File 45 as follows:
1 2 #1. Page 19, after line 21 by inserting:
1 3 <Sec. _____. Section 262.9, subsection 19, Code 2011,
1 4 is amended by adding the following new paragraph:
1 5 NEW PARAGRAPH. c. Limit any increase in tuition,
1 6 fees, or other charges at the institutions of higher
1 7 education under its control during a school year to not
1 8 more than four percent of the amount of the tuition,
1 9 fees, or other charges in effect during the previous
1 10 school year.>
1 11 #2. Page 20, after line 15 by inserting:
1 12 <Sec. _____. APPLICABILITY ==== LEGISLATIVE INTENT.
1 13 1. The section of this division of this Act
1 14 amending section 262.9 applies to an increase in
1 15 tuition, fees, or other charges on or after January 1,
1 16 2011, and applies retroactively to that date.
1 17 2. It is the intent of the general assembly that if
1 18 staff reductions are necessary to implement the section
1 19 of this division of this Act amending section 262.9,
1 20 such reductions shall be applied to administrative
1 21 staff before being applied to instructional, health
1 22 care, or other staff that provide instruction or
1 23 services directly to students, patients, or consumers.>
1 24 #3. By renumbering as necessary.

KAUFMANN of Cedar

GRASSLEY of Butler
HF45.47 (3) 84
jp/tm



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House Amendment 1002

PAG LIN

- 1 1 Amend House File 45 as follows:
- 1 2 #1. Page 30, by striking lines 3 through 27.
- 1 3 #2. By renumbering as necessary.

SWAIM of Davis
HF45.22 (1) 84
jp/tm



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House Amendment 1003

PAG LIN

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1 1      Amend House File 45 as follows:
1 2 #1.  Page 17, line 16, by striking <AND COMMUNITY
1 3 COLLEGE>
1 4 #2.  Page 17, line 20, by striking <and at the
1 5 community colleges>
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HALL of Woodbury
HF45.23 (1) 84
jp/tm



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House Amendment 1004

PAG LIN

1 1 Amend House File 45 as follows:
1 2 #1. By striking page 18, line 8, through page 19,
1 3 line 9.
1 4 #2. By striking page 19, line 22, through page 20,
1 5 line 15, and inserting:
1 6 <Sec. _____. EFFECTIVE UPON ENACTMENT. This division
1 7 of this Act, being deemed of immediate importance,
1 8 takes effect upon enactment.>
1 9 #3. By renumbering as necessary.

WINCKLER of Scott

ABDUL=SAMAD of Polk

BERRY of Black Hawk

COHOON of Des Moines

GAINES of Polk

GASKILL of Wapello

HALL of Woodbury

HANSON of Jefferson

HEDDENS of Story

HUNTER of Polk

ISENHART of Dubuque



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JACOBY of Johnson

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R. OLSON of Polk

T. OLSON of Linn



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PETERSEN of Polk

QUIRK of Chickasaw

RUNNING=MARQUARDT of Linn

M. SMITH of Marshall

STECKMAN of Cerro Gordo

SWAIM of Davis

TAYLOR of Linn

THEDE of Scott

THOMAS of Clayton

WENTHE of Fayette

WESSEL=KROESCHELL of Story

WILLEMS of Linn

WITTNEBEN of Emmett

WOLFE of Clinton



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HF45.15 (3) 84
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House Amendment 1005

PAG LIN

1 1 Amend House File 45 as follows:
1 2 #1. Page 6, before line 28 by inserting:
1 3 <Sec. _____. Section 8.39, subsection 2, Code 2011,
1 4 is amended to read as follows:
1 5 2. If the appropriation of a department,
1 6 institution, or agency is insufficient to properly meet
1 7 the legitimate expenses of the department, institution,
1 8 or agency, the director, with the approval of the
1 9 governor, may make an interdepartmental transfer from
1 10 any other department, institution, or agency of the
1 11 state having an appropriation in excess of its needs,
1 12 of sufficient funds to meet that deficiency. An
1 13 interdepartmental transfer to an appropriation which
1 14 is not an entitlement appropriation is not authorized
1 15 when the general assembly is in regular session and,
1 16 in addition, the sum of interdepartmental transfers
1 17 in a fiscal year to an appropriation which is not
1 18 an entitlement appropriation shall not exceed fifty
1 19 percent of the amount of the appropriation as enacted
1 20 by the general assembly. For the purposes of this
1 21 subsection, an entitlement appropriation is a line item
1 22 appropriation to the state public defender for indigent
1 23 defense or to the department of human services for
1 24 foster care, state supplementary assistance, or medical
1 25 assistance, or for the family investment program. This
1 26 subsection is not applicable to an appropriation made
1 27 for a biennial period or for any other multiyear period
1 28 in excess of one fiscal year.>
1 29 #2. By renumbering as necessary.

T. OLSON of Linn

ABDUL=SAMAD of Polk

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GASKILL of Wapello



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THEDE of Scott

THOMAS of Clayton

WENTHE of Fayette



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WESSEL=KROESCHELL of Story

WILLEMS of Linn

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HF45.40 (2) 84
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House Amendment 1006

PAG LIN

1 1 Amend House File 45 as follows:
1 2 #1. Page 29, line 12, before <contract> by inserting
1 3 <grant agreement or>

T. OLSON of Linn

RUNNING=MARQUARDT of Linn

T. TAYLOR of Linn

JACOBY of Johnson

HUNTER of Polk

OLDSON of Polk

PETERSEN of Polk

GAINES of Polk

ABDUL=SAMAD of Polk

McCARTHY of Polk

R. OLSON of Polk

MURPHY of Dubuque



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THOMAS of Clayton

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HANSON of Jefferson

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STECKMAN of Cerro Gordo
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House Amendment 1007

PAG LIN

- 1 1 Amend House File 45 as follows:
- 1 2 #1. Page 14, by striking lines 7 through 26.
- 1 3 #2. Page 14, by striking lines 34 and 35.
- 1 4 #3. Page 15, by striking lines 15 through 19.
- 1 5 #4. By striking page 37, line 35, through page 45,
- 1 6 line 16.
- 1 7 #5. By renumbering as necessary.

THOMAS of Clayton

ABDUL=SAMAD of Polk

BERRY of Black Hawk

COHOON of Des Moines

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WINCKLER of Scott

WITTNEBEN of Emmet

WOLFE of Clinton
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House Amendment 1008

PAG LIN

- 1 1 Amend House File 45 as follows:
- 1 2 #1. By striking page 21, line 23, through page 23,
- 1 3 line 5.
- 1 4 #2. By renumbering as necessary.

HEDDENS of Story
HF45.21 (2) 84
jp/tm



Iowa General Assembly
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House Amendment 1009

PAG LIN

1 1 Amend House File 45 as follows:
1 2 #1. Page 48, after line 30 by inserting:
1 3 <Sec. _____. 2010 Iowa Acts, chapter 1193, section 1,
1 4 is amended to read as follows:
1 5 SECTION 1. ADULT MH/MR/DD SERVICES ALLOWED
1 6 GROWTH FUNDING ==== FY 2011=2012. Notwithstanding
1 7 section 331.439, subsection 3, the allowed growth
1 8 factor adjustment for county mental health, mental
1 9 retardation, and developmental disabilities service
1 10 expenditures for the fiscal year beginning July 1,
1 11 2011, shall be established by statute which shall be
1 12 enacted within thirty calendar days of the ~~convening of~~
~~1 13 the Eighty-fourth General Assembly, 2011 Session, on~~
~~1 14 January 10, 2011~~ date the governor's recommendation is
1 15 submitted to the general assembly. The governor shall
1 16 submit to the general assembly a recommendation for
1 17 such allowed growth factor adjustment and the amounts
1 18 of related appropriations to the general assembly
1 19 on or before January ~~11~~ 27, 2011. The governor's
1 20 recommendation and the allowed growth factor adjustment
1 21 enacted by the general assembly pursuant to this
1 22 section shall incorporate measures to ensure that
1 23 the funding appropriated during the 2011 legislative
1 24 session to the risk pool in the property tax relief
1 25 fund to eliminate county waiting lists for services can
1 26 be relied upon to remain available for the long term to
1 27 support the services provided for the individuals who
1 28 were removed from a waiting list.>
1 29 #2. Page 49, after line 4 by inserting:
1 30 <Sec. _____. RETROACTIVE APPLICABILITY. The
1 31 provision amending 2010 Iowa Acts, chapter 1193,
1 32 section 1, applies retroactively to April 29, 2010.>
1 33 #3. By renumbering as necessary.

HEDDENS of Story
HF45.29 (2) 84
jp/tm



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House Amendment 1010

PAG LIN

1 1 Amend House File 45 as follows:
1 2 #1. Page 8, line 9, after <1.> by inserting
1 3 <The legislation shall require the department of
1 4 administrative services to report to the general
1 5 assembly within 90 days of the close of each fiscal
1 6 year providing an analysis as to how the cost for
1 7 that fiscal year of outsourcing state vehicle leasing
1 8 through a private entity compared to the previous
1 9 fiscal year and how the cost of the outsourcing
1 10 approach compared to state ownership and management of
1 11 the passenger vehicle pool. If at any time the cost of
1 12 the outsourcing approach is determined to be in excess
1 13 of the cost of state owned approach, the outsourcing
1 14 approach shall be terminated and replaced with the most
1 15 cost=effective approach identified by the department
1 16 for providing the passenger vehicle pool.>

GASKILL of Wapello
HF45.41 (3) 84
jp/tm



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House Amendment 1011

PAG LIN

- 1 1 Amend House File 45 as follows:
- 1 2 #1. By striking page 16, line 13, through page 17,
- 1 3 line 23.
- 1 4 #2. Page 18, by striking lines 3 through 7.
- 1 5 #3. By renumbering as necessary.

LENSING of Johnson

KRESSIG of Black Hawk

MASCHER of Johnson

JACOBY of Johnson

KAJTAZOVIC of Black Hawk

HEDDENS of Story

WESSEL=KROESCHELL of Story

T. OLSON of Linn

T. TAYLOR of Linn

RUNNING=MARQUARDT of Linn

BERRY of Black Hawk
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House Amendment 1012

PAG LIN

1 1 Amend House File 45 as follows:
1 2 #1. Page 1, line 2, before <TAX> by inserting
1 3 <MIDDLE CLASS FAMILY>
1 4 #2. Page 1, line 10, before <tax> by inserting
1 5 middle class family>
1 6 #3. Page 1, line 15, before <tax> by inserting
1 7 middle class family>
1 8 #4. Page 1, line 24, by striking <Tax> and inserting
1 9 Middle class family tax>
1 10 #5. Page 1, line 25, before <tax> by inserting
1 11 <middle class family>
1 12 #6. Page 1, line 32, before <tax> by inserting
1 13 <middle class family>
1 14 #7. Page 1, by striking line 34 and inserting
1 15 <reduce taxes for households with a federal adjusted
1 16 gross income of two hundred fifty thousand dollars per
1 17 year or less.>
1 18 #8. Page 2, line 3, before <tax> by inserting
1 19 <middle class family>
1 20 #9. Page 2, line 8, before <tax> by inserting
1 21 <middle class family>
1 22 #10. Page 2, line 18, before <tax> by inserting
1 23 middle class family>
1 24 #11. Page 2, line 28, before <tax> by inserting
1 25 middle class family>
1 26 #12. Page 2, line 31, before <TAX> by inserting
1 27 <MIDDLE CLASS FAMILY>
1 28 #13. Page 2, line 33, before <tax> by inserting
1 29 <middle class family>
1 30 #14. Page 3, line 1, after <representative.> by
1 31 inserting <The options considered shall include tax
1 32 rate reductions for households with a federal adjusted
1 33 gross income of two hundred fifty thousand dollars
1 34 per year or less and expansion of earned income tax
1 35 credits.>
1 36 #15. Page 3, line 7, before <tax> by inserting
1 37 <middle class family>
1 38 #16. By renumbering as necessary.

WOLFE of Clinton

ABDUL=SAMAD of Polk

BERRY of Black Hawk

COHOON of Des Moines



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MASCHER of Johnson



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THOMAS of Clayton

WENTHE of Fayette



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WESSEL=KROESCHELL of Story

WILLEMS of Linn

WINCKLER of Scott

WITTNEBEN of Emmet
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House Amendment 1013

PAG LIN

1 1 Amend House File 45 as follows:
1 2 #1. Page 1, line 2, before <TAX> by inserting <MAIN
1 3 STREET BUSINESS COMMERCIAL PROPERTY>
1 4 #2. Page 1, line 10, before <tax> by inserting <main
1 5 street business commercial property>
1 6 #3. Page 1, line 15, before <tax> by inserting <main
1 7 street business commercial property>
1 8 #4. Page 1, line 24, by striking <Tax> and inserting
1 9 Main Street commercial property tax>
1 10 #5. Page 1, line 25, before <tax> by inserting <main
1 11 street business commercial property>
1 12 #6. Page 1, line 32, before <tax> by inserting <main
1 13 street business commercial property>
1 14 #7. Page 1, by striking line 34 and inserting
1 15 <reduce main street business commercial property
1 16 tax rates. For the purposes of this section, "main
1 17 street business" means a business that is domiciled in
1 18 this state with thirty=five or fewer employees, that
1 19 is owned, operated, and actively managed by an Iowa
1 20 resident, and that only employs persons who are legally
1 21 authorized to work in this state.>
1 22 #8. Page 2, line 3, before <tax> by inserting <main
1 23 street business commercial property>
1 24 #9. Page 2, line 8, before <tax> by inserting <main
1 25 street business commercial property>
1 26 #10. Page 2, line 18, before <tax> by inserting
1 27 main street business commercial property>
1 28 #11. Page 2, line 28, before <tax> by inserting
1 29 main street business commercial property>
1 30 #12. Page 2, line 31, before <TAX> by inserting
1 31 <MAIN STREET BUSINESS COMMERCIAL PROPERTY>
1 32 #13. Page 2, line 33, before <tax> by inserting
1 33 <main street business commercial property>
1 34 #14. Page 3, line 7, before <tax> by inserting <main
1 35 street business commercial property>
1 36 #15. By renumbering as necessary.

SWAIM of Davis

ABDUL=SAMAD of Polk

BERRY of Black Hawk

COHOON of Des Moines



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THOMAS of Clayton



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WENTHE of Fayette

WESSEL=KROESCHELL of Story

WILLEMS of Linn

WINCKLER of Scott

WITTNEBEN of Emmet

WOLFE of Clinton
HF45.17 (3) 84
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Iowa General Assembly
Daily Bills, Amendments & Study Bills
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House Amendment 1014

PAG LIN

- 1 1 Amend House File 45 as follows:
- 1 2 #1. Page 9, by striking lines 27 through 33.
- 1 3 #2. By renumbering as necessary.

GASKILL of Wapello
HF45.56 (1) 84
jp/tm



Iowa General Assembly
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House Amendment 1015

PAG LIN

1 1 Amend House File 45 as follows:
1 2 #1. Page 50, after line 23 by inserting:
1 3 <DIVISION ____
1 4 GOVERNMENT EFFICIENCY MEASURES
1 5 Sec. _____. PRESCRIPTION DRUG PURCHASING. The
1 6 standing committees on human resources of the
1 7 senate and house of representatives and the joint
1 8 appropriations subcommittee on health and human
1 9 services shall consult with appropriate parties in
1 10 developing a plan to achieve significant costs savings
1 11 by implementing a sole source contract or other means
1 12 of consolidating pharmacy services and prescription
1 13 drug purchasing for state employees, Medicaid program
1 14 recipients, patients at state institutions, inmates at
1 15 correctional facilities, and other persons for whom
1 16 the state pays a significant portion of prescription
1 17 drug costs. The plan shall be submitted in the form
1 18 of proposed legislation for consideration by the
1 19 Eighty=fourth General Assembly, 2011 Session.
1 20 Sec. _____. Section 8.51, Code 2011, is amended to
1 21 read as follows:
1 22 8.51 ~~Fiscal year of political~~ Political subdivisions
1 23 ~~==== fiscal year ==== unexpended funds.~~
1 24 1. The fiscal year of cities, counties, and other
1 25 political subdivisions of the state shall begin July 1
1 26 and end the following June 30. For the purpose of this
1 27 section, the term political subdivision includes school
1 28 districts.
1 29 2. Each department that provides state funding to
1 30 a political subdivision of the state shall annually
1 31 review the statutory and regulatory requirements
1 32 applicable to the political subdivision's receipt
1 33 of the funding. The purpose of the review is to
1 34 identify any barrier in statute or departmental rule
1 35 or policy that would prevent recovery of any such
1 36 state funding provided to a political subdivision that
1 37 remains unencumbered or unobligated and the political
1 38 subdivision no longer complies with requirements to
1 39 receive the state funding. If an identified barrier
1 40 exists in state law, the department shall propose
1 41 legislation to the governor and general assembly to
1 42 remove the barrier. If an identified barrier is in
1 43 departmental rule or policy, the department shall amend
1 44 the rule or policy to remove the barrier.
1 45 Sec. _____. Section 8.57, subsection 6, paragraph f,
1 46 Code 2011, is amended to read as follows:
1 47 f. ~~There is appropriated from the rebuild Iowa~~
1 48 ~~infrastructure fund to the secure an advanced vision~~
1 49 ~~for education fund created in section 423F.2, for each~~
1 50 ~~fiscal year of the fiscal period beginning July 1,~~



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~~House Amendment 1015 continued~~

~~2 1 2008, and ending June 30, 2010, and for each fiscal~~
~~2 2 year of the fiscal period beginning July 1, 2011,~~
~~2 3 and ending June 30, 2014, the amount of the moneys~~
~~2 4 in excess of the first forty-seven million dollars~~
~~2 5 credited to the rebuild Iowa infrastructure fund during~~
~~2 6 the fiscal year, not to exceed ten million dollars.~~

2 7 Sec. _____. Section 8.57C, subsection 3, paragraph a,
2 8 Code 2011, is amended to read as follows:

2 9 a. There is appropriated from the general fund
2 10 of the state for the fiscal years beginning July 1,
2 11 2006, July 1, 2007, July 1, ~~2011~~ 2012, and for each
2 12 subsequent fiscal year thereafter, the sum of seventeen
2 13 million five hundred thousand dollars to the technology
2 14 reinvestment fund.

2 15 Sec. _____. NEW SECTION. 8A.319 State purchases ====
2 16 energy efficient lighting.

2 17 The department shall, by July 1, 2011, replace
2 18 all existing interior incandescent light bulbs in
2 19 state buildings with light bulbs which qualify for the
2 20 energy star efficiency rating developed by the United
2 21 States environmental protection agency, or which meet
2 22 alternative or additional energy efficiency standards
2 23 or specifications as established by the department
2 24 by rule. For the purposes of this section, "state
2 25 building" means a public facility or building owned by
2 26 or leased by the state, or an agency or department of
2 27 the state.

2 28 POOLED TECHNOLOGY ==== FY 2010=2011

2 29 Sec. _____. 2010 Iowa Acts, chapter 1184, section 4,
2 30 subsections 1 and 5, are amended to read as follows:

2 31 1. DEPARTMENT OF ADMINISTRATIVE SERVICES

2 32 For technology improvement projects:

2 33 \$ ~~3,793,654~~
2 34 0

2 35 5. IOWA TELECOMMUNICATIONS AND TECHNOLOGY
2 36 COMMISSION

2 37 For replacement of equipment for the Iowa
2 38 communications network:

2 39 \$ ~~2,244,956~~
2 40 0

2 41 The commission may continue to enter into contracts
2 42 pursuant to section 8D.13 for the replacement of
2 43 equipment and for operations and maintenance costs of
2 44 the network.

2 45 In addition to moneys appropriated in this
2 46 subsection, the commission may use a financing
2 47 agreement entered into by the treasurer of state in
2 48 accordance with section 12.28 for the replacement
2 49 of equipment for the network. For purposes of this
2 50 subsection, the treasurer of state is not subject to



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House Amendment 1015 continued

3 1 the maximum principal limitation contained in section
3 2 12.28, subsection 6. Repayment of any amounts financed
3 3 shall be made from receipts associated with fees
3 4 charged for use of the network.
3 5 TECHNOLOGY REINVESTMENT FUND ==== EDUCATIONAL DATA
3 6 WAREHOUSE
3 7 Sec. _____. 2010 Iowa Acts, chapter 1184, section
3 8 4, subsection 3, paragraph b, is amended to read as
3 9 follows:
3 10 b. For the implementation of an educational data
3 11 warehouse that will be utilized by teachers, parents,
3 12 school district administrators, area education agency
3 13 staff, department of education staff, and policymakers:
3 14 \$ ~~600,000~~
3 15 67,593
3 16 The department may use a portion of the moneys
3 17 appropriated in this lettered paragraph for an
3 18 e=transcript data system capable of tracking students
3 19 throughout their education via interconnectivity with
3 20 multiple schools.
3 21 Sec. _____. EFFECTIVE UPON ENACTMENT. This division
3 22 of this Act, being deemed of immediate importance,
3 23 takes effect upon enactment.>
3 24 #2. By renumbering as necessary.

MASCHER of Johnson

ABDUL=SAMAD of Polk

COHOON of Des Moines

GAINES of Polk

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HEDDENS of Story



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RUNNING=MARQUARDT of Linn

M. SMITH of Marshall

STECKMAN of Cerro Gordo

SWAIM of Davis

T. TAYLOR of Linn

THEDE of Scott

THOMAS of Clayton

WENTHE of Fayette

WESSEL=KROESCHELL of Story

WILLEMS of Linn

WINCKLER of Scott

WITTNEBEN of Emmet



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WOLFE of Clinton
HF45.68 (4) 84
jp/tm



Iowa General Assembly
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House Amendment 1016

PAG LIN

1 1 Amend House File 45 as follows:
1 2 #1. Page 16, line 12, after <2011.> by inserting
1 3 <The change in this subsection's appropriation amount
1 4 made by this 2011 Iowa Acts amendment is applicable on
1 5 the effective date of the legislation proposed by the
1 6 standing committees on education.>

WINCKLER of Scott
HF45.44 (5) 84
jp/tm



Iowa General Assembly
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House Amendment 1017

PAG LIN

1 1 Amend House File 45 as follows:
1 2 #1. Page 11, before line 7 by inserting:
1 3 <Sec. _____. 2010 Iowa Acts, chapter 1189, section
1 4 10, subsection 2, is amended to read as follows:
1 5 2. TERRACE HILL QUARTERS
1 6 For salaries, support, maintenance, and
1 7 miscellaneous purposes for the governor's quarters
1 8 at Terrace Hill, and for not more than the following
1 9 full-time equivalent positions:
1 10 \$ 394,291
1 11 FTEs 10.00
1 12 Moneys appropriated in this subsection from the
1 13 general fund of the state or from any other source
1 14 for the fiscal year shall not be used to increase the
1 15 number of full-time equivalent positions for culinary
1 16 and domestic services at the governor's quarters
1 17 at Terrace Hill beyond the number of such positions
1 18 employed as of January 1, 2011.>
1 19 #2. By renumbering as necessary.

KRESSIG of Black Hawk
HF45.75 (1) 84
jp/tm



Iowa General Assembly
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House Amendment 1018

PAG LIN

- 1 1 Amend House File 45 as follows:
- 1 2 #1. Page 15, by striking lines 2 through 14.
- 1 3 #2. By renumbering as necessary.

H. MILLER of Webster

HANSON of Jefferson
HF45.71 (4) 84
tm/jp



Iowa General Assembly
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House Amendment 1019

PAG LIN

- 1 1 Amend House File 45 as follows:
- 1 2 #1. By striking page 30, line 28, through page 32,
- 1 3 line 2.
- 1 4 #2. By renumbering as necessary.

JACOBY of Johnson

LYKAM of Scott

WESSEL=KROESCHELL of Story

LENSING of Johnson

MASCHER of Johnson

STECKMAN of Cerro Gordo

HEDDENS of Story

THEDE of Scott

KRESSIG of Black Hawk

WINCKLER of Scott

COHOON of Des Moines

KELLEY of Jasper



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M. SMITH of Marshall

ABDUL=SAMAD of Polk

BERRY of Black Hawk

KAJTAZOVIC of Black Hawk

HUNTER of Polk

OLDSON of Polk

PETERSEN of Polk

MURPHY of Dubuque

ISENHART of Dubuque

KEARNS of Lee

T. TAYLOR of Linn
HF45.73 (2) 84
jp/tm



Iowa General Assembly
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House Amendment 1020

PAG LIN

1 1 Amend House File 45 as follows:
1 2 #1. Page 7, line 32, by striking <April 4> and
1 3 inserting <July 1>
1 4 #2. Page 8, after line 9 by inserting:
1 5 <3. Requiring the department of administrative
1 6 services to allow motor pool employees to bid on
1 7 providing vehicle support and maintenance functions if
1 8 subsections 1 and 2 are required by the implementation
1 9 provisions.>
1 10 #3. By renumbering as necessary.

T. TAYLOR of Linn
HF45.78 (1) 84
jp/tm



Iowa General Assembly
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House Amendment 1021

PAG LIN

1 1 Amend House File 45 as follows:
1 2 #1. Page 19, after line 30 by inserting:
1 3 <Sec. _____. Section 273.3, subsection 11, Code 2011,
1 4 is amended to read as follows:
1 5 11. Employ personnel to carry out the functions
1 6 of the area education agency which shall include the
1 7 employment of an administrator who shall possess a
1 8 license issued under chapter 272. The administrator
1 9 shall be employed pursuant to section 279.20 and
1 10 sections 279.23, 279.24 and 279.25. The salary
1 11 for an area education agency administrator shall
1 12 be established by the board based upon the previous
1 13 experience and education of the administrator.
1 14 The maximum salary of the administrator shall not
1 15 exceed one hundred thirty percent of the average of
1 16 the salaries of the superintendents for all school
1 17 districts served by the area education agency. Section
1 18 279.13 applies to the area education agency board and
1 19 to all teachers employed by the area education agency.
1 20 Sections 279.23, 279.24 and 279.25 apply to the area
1 21 education board and to all administrators employed by
1 22 the area education agency.>
1 23 #2. By renumbering as necessary.

WILLEMS of Linn

H. MILLER of Webster

MUHLBAUER of Crawford

WENTHE of Fayette

SWAIM of Davis

THOMAS of Clayton

HANSON of Jefferson



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KELLEY of Jasper

WITTNEBEN of Emmet

QUIRK of Chickasaw

GASKILL of Wapello
HF45.19 (3) 84
jp/tm



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House Amendment 1022

PAG LIN

1 1 Amend House File 45 as follows:
1 2 #1. By striking page 3, line 14, through page 4,
1 3 line 12.
1 4 #2. Page 6, by striking lines 21 through 27.
1 5 #3. By striking page 6, line 28, through page 7,
1 6 line 11.
1 7 #4. Page 7, by striking lines 20 through 23.
1 8 #5. Page 20, by striking lines 18 through 23.
1 9 #6. By striking page 27, line 3, through page 29,
1 10 line 26.
1 11 #7. By striking page 29, line 27, through page 30,
1 12 line 2.
1 13 #8. By striking page 32, line 6, through page 33,
1 14 line 16.
1 15 #9. By striking page 45, line 17, through page 49,
1 16 line 4.
1 17 #10. By renumbering as necessary.

MURPHY of Dubuque
HF45.80 (2) 84
jp/tm



Iowa General Assembly
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House Amendment 1023

PAG LIN

1 1 Amend House File 45 as follows:
1 2 #1. Page 19, after line 21 by inserting:
1 3 <Sec. _____. Section 262.9, subsection 19, Code 2011,
1 4 is amended by adding the following new paragraph:
1 5 NEW PARAGRAPH. c. Limit any increase in tuition,
1 6 fees, and other charges at the institutions of higher
1 7 education under its control during a school year to not
1 8 more than four percent of the amount of the tuition,
1 9 fees, or other charges in effect during the previous
1 10 school year.>
1 11 #2. Page 20, after line 15 by inserting:
1 12 <Sec. _____. APPLICABILITY ==== LEGISLATIVE INTENT.
1 13 1. The section of this division of this Act
1 14 amending section 262.9 applies to an increase in
1 15 tuition, fees, or other charges on or after January 1,
1 16 2011, and applies retroactively to that date.
1 17 2. It is the intent of the general assembly that if
1 18 staff reductions are necessary to implement the section
1 19 of this division of this Act amending section 262.9,
1 20 such reductions shall be applied to administrative
1 21 staff before being applied to instructional, health
1 22 care, or other staff that provide instruction or
1 23 services directly to students, patients, or consumers.>
1 24 #3. By renumbering as necessary.

KAUFMANN of Cedar

GRASSLEY of Butler
HF45.81 (2) 84
jp/tm



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House Amendment 1024

PAG LIN

- 1 1 Amend House File 45 as follows:
- 1 2 #1. By striking page 27, line 3, through page 29,
- 1 3 line 26.
- 1 4 #2. By renumbering as necessary.

ISENHART of Dubuque
HF45.84 (1) 84
tm/jp



Iowa General Assembly
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House Amendment 1025

PAG LIN

1 1 Amend House File 45 as follows:
1 2 #1. Page 6, line 10, by striking <flood plains> and
1 3 inserting <a floodplain>
1 4 #2. Page 6, line 11, by striking <this storage> and
1 5 inserting <this Act>
1 6 #3. Page 6, line 12, by striking <flood plain.>
1 7 and inserting <floodplain. For the purposes of this
1 8 section, "floodplain" means the same as one hundred
1 9 year floodplain, as defined in section 459.102.>
1 10 #4. Page 9, by striking lines 4 and 5 and inserting
1 11 <shall not terminate a lease for office space outside
1 12 of the capitol complex at a time when early termination
1 13 penalties would be applicable for doing so.>
1 14 #5. Page 9, by striking lines 27 through 33.
1 15 #6. By striking page 9, line 34, through page 10,
1 16 line 26.
1 17 #7. Page 10, after line 26 by inserting:
1 18 <Sec. _____. 2010 Iowa Acts, chapter 1189, section 5,
1 19 subsection 2, paragraphs c and d, are amended to read
1 20 as follows:
1 21 ~~e. The auditor shall not seek reimbursement~~
~~1 22 from governmental subdivisions for audits which are~~
~~1 23 reimbursable pursuant to section 11.20 or 11.21 in an~~
~~1 24 amount that exceeds the total amount reimbursed to the~~
~~1 25 auditor by governmental subdivisions for the fiscal~~
~~1 26 year beginning July 1, 2008.~~
1 27 d. Notwithstanding any provision of this subsection
1 28 to the contrary, the auditor may seek reimbursement
1 29 from departments and agencies specified in section
1 30 11.5B, ~~and governmental subdivisions,~~ in an amount that
1 31 exceeds the total amount reimbursed to the auditor
1 32 by those departments, ~~or agencies, or governmental~~
~~1 33 subdivisions~~ for the fiscal year beginning July 1,
1 34 2008, for audits required by the federal government and
1 35 reimbursable from federal funds.>
1 36 #8. Page 12, after line 10 by inserting:
1 37 <g. The public broadcasting division of the
1 38 department of education.>
1 39 #9. Page 15, line 14, after <section.> by inserting
1 40 <Any great places program grant contract entered into
1 41 prior to the effective date of this section shall
1 42 continue as provided by the terms of the contract.>
1 43 #10. Page 17, line 23, after <thereafter.> by
1 44 inserting <In identifying options for additional
1 45 consolidation of administrative functions beyond those
1 46 previously implemented, the subcommittee shall review
1 47 the efficiencies initiatives and funding reduction
1 48 reports submitted by the community colleges and the
1 49 state board of regents pursuant to 2010 Iowa Acts,
1 50 chapter 1183, sections 9 and 12.>



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House Amendment 1025 continued

2 1 #11. Page 19, line 21, after <2003.> by inserting
2 2 <To the extent feasible, area education agencies shall
2 3 first apply the reduction required by this subsection
2 4 to administration and other functions before applying
2 5 the reductions to staff positions engaged in working
2 6 directly with children and families.>
2 7 #12. Page 21, line 17, by striking <191,820> and
2 8 inserting <148,000>
2 9 #13. By renumbering as necessary.

WAGNER of Linn

RAECKER of Polk
HF45.77 (6) 84
jp/tm



Iowa General Assembly
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House File 46 - Introduced

HOUSE FILE
BY HUNTER

A BILL FOR

1 An Act providing free motor vehicle registration for certain
2 disabled veterans.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1757YH (2) 84
dea/nh



Iowa General Assembly
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House File 46 - Introduced continued

PAG LIN

1 1 Section 1. Section 321.34, subsection 12A, paragraph b,
1 2 Code 2011, is amended to read as follows:
1 3 b. An owner of a vehicle referred to in subsection 12 who
1 4 applies for any type of special registration plates associated
1 5 with service in the United States armed forces shall be issued
1 6 one set of the special registration plates at no charge and
1 7 subject to no annual registration fee if the owner is eligible
1 8 for, but has relinquished to the department or the county
1 9 treasurer or has not been issued, medal of honor registration
1 10 plates under subsection 8 or disabled veteran registration
1 11 plates under section 321.105, subsection 5 or 6.
1 12 Sec. 2. Section 321.105, Code 2011, is amended by adding the
1 13 following new subsection:
1 14 NEW SUBSECTION. 6. A veteran with a service-connected
1 15 disability rated at fifty percent or higher shall be exempt
1 16 from payment of the annual registration fee provided in this
1 17 chapter for one vehicle, and shall be provided, without fee,
1 18 with one set of regular registration plates or one set of any
1 19 type of special registration plates associated with service in
1 20 the United States armed forces for which the disabled veteran
1 21 qualifies under section 321.34. The disabled veteran, to be
1 22 able to claim the benefit, must be a resident of the state
1 23 of Iowa. In lieu of the set of regular or special military
1 24 registration plates available without fee, the disabled veteran
1 25 may obtain a set of nonmilitary special registration plates or
1 26 personalized plates issued under section 321.34 by paying the
1 27 additional fees associated with those plates.
1 28 Sec. 3. Section 321.166, subsection 6, Code 2011, is amended
1 29 to read as follows:
1 30 6. Registration plates issued to a disabled veteran under
1 31 the provisions of section 321.105, subsection 5 or 6, shall
1 32 display the alphabetical characters "DV" which shall precede
1 33 the registration plate number. The plates may also display
1 34 a persons with disabilities parking sticker if issued to the
1 35 disabled veteran by the department under section 321L.2.



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House File 46 - Introduced continued

2 1 Sec. 4. Section 321L.2, subsection 1, paragraph a,
2 2 subparagraph (2), Code 2011, is amended to read as follows:
2 3 (2) Persons with disabilities parking sticker. An
2 4 applicant who owns a motor vehicle for which the applicant
2 5 has been issued registration plates under section 321.34 or
2 6 registration plates as a ~~seriously~~ disabled veteran under
2 7 section 321.105, subsection 5 or 6, may apply to the department
2 8 for a persons with disabilities parking sticker to be affixed
2 9 to the plates. The persons with disabilities parking stickers
2 10 shall bear the international symbol of accessibility.

2 11 Sec. 5. Section 321L.2, subsection 5, Code 2011, is amended
2 12 to read as follows:

2 13 5. A seriously disabled veteran who has been provided with
2 14 an automobile or other vehicle by the United States government
2 15 under the provisions of 38 U.S.C. { 1901 et seq. (1970) is
2 16 not required to apply for a persons with disabilities parking
2 17 permit under this section unless the veteran has been issued
2 18 special registration plates or personalized plates for the
2 19 vehicle. The regular registration plates issued for the
2 20 disabled veteran's vehicle without fee pursuant to section
2 21 321.105, subsection 5, entitle the disabled veteran to all
2 22 of the rights and privileges associated with persons with
2 23 disabilities parking permits under this chapter.

2 24	EXPLANATION
------	-------------

2 25 This bill provides that a veteran of the United States armed
2 26 forces with a service-connected disability rated at 50 percent
2 27 or higher is exempt from the payment of annual registration
2 28 fees for one vehicle. The veteran is entitled to one set
2 29 of disabled veteran registration plates to be issued free of
2 30 charge. Currently, disabled veteran registration plates are
2 31 available only to seriously disabled veterans who have been
2 32 provided with an automobile or other vehicle by the United
2 33 States government. The veteran may substitute any of the
2 34 special plates associated with military service in lieu of the
2 35 disabled veteran plates without additional fee, or the veteran



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House File 46 - Introduced continued

3 1 may substitute a set of personalized plates or nonmilitary
3 2 special plates upon payment of the additional fees associated
3 3 with those plates. The use of the free registration plates
3 4 passes to the surviving spouse upon the death of the veteran.
LSB 1757YH (2) 84
dea/nh



Iowa General Assembly
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House File 47 - Introduced

HOUSE FILE
BY WINDSCHITL

A BILL FOR

1 An Act repealing the state inheritance tax and the state
2 qualified use inheritance tax.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1097YH (2) 84
tw/sc



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House File 47 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 450.98 Tax repealed.
1 2 This chapter shall not apply, effective July 1, 2011, to
1 3 property of estates of decedents dying on or after July 1,
1 4 2011. The inheritance tax shall not be imposed under this
1 5 chapter in the event the decedent dies on or after July 1,
1 6 2011, and to this extent this chapter is repealed.
1 7 Sec. 2. NEW SECTION. 450B.8 Tax repealed.
1 8 This chapter shall not apply, effective July 1, 2011, to
1 9 property of estates of decedents dying on or after July 1,
1 10 2011. The inheritance tax shall not be imposed under this
1 11 chapter in the event the decedent dies on or after July 1,
1 12 2011, and to this extent this chapter is repealed.
1 13 Sec. 3. CODE EDITOR DIRECTIVE. The Code editor is directed
1 14 to remove chapters 450 and 450B from the Code and correct
1 15 appropriate references to chapters 450 and 450B and appropriate
1 16 references to the inheritance tax and qualified use inheritance
1 17 tax effective July 1, 2021.
1 18 EXPLANATION
1 19 This bill repeals the state inheritance tax and the state
1 20 qualified use inheritance tax effective July 1, 2011, for
1 21 property of estates of decedents dying on or after July 1,
1 22 2011. Inheritance tax will not be imposed on any property in
1 23 the event of the death of an individual on or after July 1,
1 24 2011.
LSB 1097YH (2) 84
tw/sc



Iowa General Assembly
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House File 48 - Introduced

HOUSE FILE
BY HUNTER

A BILL FOR

1 An Act relating to reduced fees for camping and other special
2 privileges for certain older Iowans.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1741HH (2) 84
av/nh



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House File 48 - Introduced continued

PAG LIN

1 1 Section 1. Section 461A.47, Code 2011, is amended to read
1 2 as follows:
1 3 461A.47 Camping.
1 4 The commission is hereby authorized to fix fees for camping
1 5 and other special privileges which shall be in such amounts as
1 6 may be determined by the commission upon a basis of the cost
1 7 of providing and reasonable value of such privileges. If the
1 8 commission fixes fees for camping and other special privileges,
1 9 the commission shall reduce such fees for residents who are
1 10 sixty years of age or older to at least one-half the amount of
1 11 each fee fixed pursuant to this section.

1 12 EXPLANATION
1 13 This bill amends Code section 461A.47 to provide that if the
1 14 natural resource commission fixes fees for camping and other
1 15 special privileges, such fees shall be reduced for residents
1 16 who are 60 years of age or older to at least half that amount.
LSB 1741HH (2) 84
av/nh



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House File 49 - Introduced

HOUSE FILE
BY HUNTER

A BILL FOR

1 An Act providing for reduced automobile insurance premiums
2 for older adults who complete a certified driver safety
3 education course.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1754YH (2) 84
dea/nh



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House File 49 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 321.178A Driver safety education
1 2 program.
1 3 1. The department, in consultation with the department
1 4 of public safety, shall provide for the establishment of
1 5 a certified driver safety education course to be offered
1 6 throughout the state. The department shall establish by rule
1 7 requirements relating to curriculum, hours of instruction,
1 8 instructor qualifications, and any other matters deemed
1 9 appropriate by the department. The rules shall provide for the
1 10 administration of a written test and issuance of a certificate
1 11 to demonstrate a person's successful completion of the course
1 12 for purposes of qualifying for an automobile insurance premium
1 13 discount under section 516B.4.
1 14 2. The department may establish refresher courses based on
1 15 the curriculum offered in the driver safety education course.
1 16 A person who successfully completes a refresher course approved
1 17 by the department within three years of obtaining a driver
1 18 safety education certificate under subsection 1 shall be issued
1 19 a new certificate. For the purpose of maintaining eligibility
1 20 for an automobile insurance premium discount under section
1 21 516B.4, a person may continue to be recertified by successfully
1 22 completing a refresher course at least every three years.
1 23 Sec. 2. NEW SECTION. 516B.4 Senior driver insurance premium
1 24 discount.
1 25 1. The commissioner shall require that beginning January
1 26 1, 2012, an insurance company transacting business in this
1 27 state shall provide a premium reduction of at least ten percent
1 28 for an automobile insurance policy, as defined in section
1 29 515D.2, issued to a person fifty=five years of age or older
1 30 who has completed a certified driver safety education course
1 31 or refresher course within the last three years, as evidenced
1 32 by a certificate issued pursuant to section 321.178A. If the
1 33 person entitled to the discounted rate is insured under a
1 34 policy covering more than one driver, the amount of the premium
1 35 reduction may be prorated according to the number of insureds



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House File 49 - Introduced continued

2 1 covered under the policy who qualify for the lowered premium.
2 2 2. The premium reduction required under subsection 1 may
2 3 be revoked for a person who is involved in a motor vehicle
2 4 accident during the period of the premium reduction if it is
2 5 found that the person committed a violation of chapter 321 that
2 6 was a contributing factor in the accident.

2 7 EXPLANATION

2 8 This bill requires the department of transportation, in
2 9 consultation with the department of public safety, to establish
2 10 a certified driver safety education course to be offered
2 11 throughout the state. A person who successfully completes the
2 12 driver safety education course shall be issued a certificate.

2 13 Beginning January 1, 2012, the commissioner of insurance
2 14 shall require insurers transacting business in this state to
2 15 provide a 10 percent automobile insurance premium reduction
2 16 for persons 55 years of age or older who have obtained a
2 17 driver safety education course certificate within the last
2 18 three years. The premium reduction may be prorated, based on
2 19 the number of insureds under the policy who qualify for the
2 20 discount. In addition, the insurer may revoke the discount for
2 21 a person who is involved in a motor vehicle accident if the
2 22 person committed a violation of the state's motor vehicle laws
2 23 that was a contributing factor in the accident.

2 24 The bill authorizes the department of transportation to
2 25 develop refresher courses which may be taken by a person in
2 26 lieu of the full driver safety education course in order to
2 27 continue to qualify for the insurance premium reduction.

LSB 1754YH (2) 84

dea/nh



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House File 50 - Introduced

HOUSE FILE

BY BALTIMORE, HELLAND,
GRASSLEY, BRANDENBURG,
J. SMITH, TJEPKES,
KOESTER, KAUFMANN,
HORBACH, DEYOE, and
BYRNES

A BILL FOR

1 An Act requiring arbitrators of public employee collective
2 bargaining agreements to compare public=sector employment
3 with private=sector employment.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSE 1411YH (4) 84
je/rj



Iowa General Assembly
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House File 50 - Introduced continued

PAG LIN

1 1 Section 1. Section 20.22, subsection 7, Code 2011, is
1 2 amended to read as follows:
1 3 7. The arbitrator shall consider, in addition to any other
1 4 relevant factors, the following factors:
1 5 a. Past collective bargaining contracts between the parties
1 6 including the bargaining that led up to such contracts.
1 7 b. Comparison of wages, benefits, hours, and conditions
1 8 of employment of the involved public employees with those of
1 9 ~~other public~~ private=sector employees doing comparable work,
1 10 giving consideration to factors peculiar to the area and the
1 11 classifications involved. In considering this comparison, the
1 12 arbitrator shall strive to maintain parity in wages, benefits,
1 13 hours, and conditions of employment between the public sector
1 14 and the private sector for comparable types of work.
1 15 c. The interests and welfare of the public, ~~the ability of~~
1 16 ~~the public employer to finance economic adjustments and the~~
1 17 ~~effect of such adjustments on the normal standard of services.~~
1 18 d. ~~The power of the public employer to levy taxes and~~
1 19 ~~appropriate funds for the conduct of its operations.~~

1 20 EXPLANATION

1 21 This bill requires that an arbitrator of a public employee
1 22 collective bargaining agreement consider, among other factors,
1 23 a comparison of wages, benefits, hours, and conditions of
1 24 employment of the involved public employees with those of
1 25 private=sector employees doing comparable work. The bill
1 26 requires an arbitrator making that comparison to strive to
1 27 maintain parity in wages, benefits, hours, and conditions of
1 28 employment between the public sector and the private sector for
1 29 comparable types of work.
1 30 Current law requires an arbitrator to compare wages, hours,
1 31 and conditions of employment of the involved public employees
1 32 with those of other public employees doing comparable work.
1 33 The bill removes the requirement that an arbitrator consider as
1 34 a factor the ability of a public employer to finance economic
1 35 adjustments and the effect of such adjustments on the normal



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House File 50 - Introduced continued

2 1 standard of services. The bill removes the requirement that
2 2 an arbitrator consider the power of a public employer to levy
2 3 taxes and appropriate funds for the conduct of its operations.
LSB 1411YH (4) 84



Iowa General Assembly
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House File 51 - Introduced

HOUSE FILE
BY PETTENGILL and HORBACH

A BILL FOR

1 An Act providing for the allocation of moneys appropriated to
2 the Iowa resources enhancement and protection fund.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TL5B 1562YH (4) 84
da/nh



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House File 51 - Introduced continued

PAG LIN

1 1 Section 1. Section 455A.19, subsection 1, paragraph a,
1 2 unnumbered paragraph 1, Code 2011, is amended to read as
1 3 follows:
1 4 ~~Twenty-eight~~ Twenty percent shall be allocated to the open
1 5 spaces account. At least ten percent of the allocations to
1 6 the account shall be made available to match private funds for
1 7 open space projects on the cost=share basis of not less than
1 8 twenty=five percent private funds pursuant to the rules adopted
1 9 by the natural resource commission. Five percent of the funds
1 10 allocated to the open spaces account shall be used to fund the
1 11 protected waters program. This account shall be used by the
1 12 department to implement the statewide open space acquisition,
1 13 protection, and development programs.

1 14 Sec. 2. Section 455A.19, subsection 1, paragraph e, Code
1 15 2011, is amended to read as follows:

1 16 e. ~~Nine~~ Seventeen percent shall be allocated to the state
1 17 land management account. The department shall use the moneys
1 18 allocated to this account for maintenance and expansion of
1 19 state lands and related facilities under its jurisdiction.
1 20 The authority to expand state lands and facilities under this
1 21 paragraph is limited to expansion of the state lands and
1 22 facilities already owned by the state. There is appropriated
1 23 from the state land management account to the department the
1 24 moneys in that account, or so much thereof as is necessary,
1 25 to implement a maintenance and expansion program for state
1 26 lands and related facilities under the jurisdiction of the
1 27 department.

1 28 EXPLANATION

1 29 This bill changes the annual allocation of moneys
1 30 appropriated from the Iowa resources enhancement and protection
1 31 fund to various accounts and other funds. The fund is
1 32 appropriated \$20 million per year from the general fund until
1 33 the fiscal year ending June 30, 2021. The bill decreases
1 34 the amount allocated to the open spaces account from 28 to
1 35 20 percent and increases the amount allocated to the state



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House File 51 - Introduced continued

2 1 land management account from 9 to 17 percent. The open spaces
2 2 account is used by the department of natural resources to
2 3 implement statewide open space acquisition, protection, and
2 4 development programs. The state land management account is
2 5 used by the department for the maintenance and expansion of
2 6 state lands and related facilities.
2 7 Currently the Iowa resources enhancement and protection
2 8 fund allocates 28 percent to the open spaces account, 20
2 9 percent to the county conservation account, 20 percent to the
2 10 soil and water enhancement account, 15 percent to the cities'
2 11 parks and open space account, 9 percent to the state land
2 12 management account, 5 percent to the historical resource grant
2 13 and loan fund, and 3 percent to the living roadway account for
2 14 distribution to the living roadway trust fund.

LSB 1562YH (4) 84

da/rj



Iowa General Assembly
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House File 52 - Introduced

HOUSE FILE
BY HUNTER

A BILL FOR

1 An Act relating to the establishment of a study of the
2 economic, fiscal, and social impact of the living wage in
3 Iowa.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1734YH (5) 84
je/nh



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House File 52 - Introduced continued

PAG LIN

1 1 Section 1. LIVING WAGE IMPACT STUDY.
1 2 1. If funding is approved or appropriated to the state
1 3 board of regents for such purposes, Iowa state university shall
1 4 conduct a study regarding the economic, fiscal, and social
1 5 impacts of establishing the living wage, also known as the
1 6 self-sufficiency wage, in Iowa. The living wage in the study
1 7 shall be based on a 40-hour work week, and the study shall
1 8 provide all of the following:
1 9 a. A two-tiered living wage, one tier with benefits and one
1 10 without benefits, for family sizes ranging from two people to
1 11 six people for all 99 counties.
1 12 b. The impact that a living wage would have on full-time
1 13 workers, the multiplier effect of a living wage on the economy,
1 14 and whether more jobs would be created by this multiplier
1 15 effect.
1 16 c. How a living wage would impact public assistance
1 17 programs, particularly whether it would reduce costs.
1 18 d. How a living wage would impact state and local economic
1 19 development programs.
1 20 e. How a living wage would assist or hinder the housing
1 21 market.
1 22 f. Taking into account paragraphs "b", "c", "d", and "e",
1 23 examine whether there would be an overall positive impact on
1 24 the economy considering possible business concerns of inflation
1 25 and job loss.
1 26 g. Evaluate other states or metropolitan areas that have a
1 27 living wage to provide examples of how a living wage could be
1 28 implemented on a phased-in basis for all workers in this state,
1 29 including the private and public sectors.
1 30 h. Any other recommendations that the individuals assigned
1 31 to the study believe are relevant to establishing a living wage
1 32 in this state.
1 33 2. An Iowa state university sociology professor, an
1 34 Iowa state university human development and family studies
1 35 professor, and an Iowa state university economics professor,



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House File 52 - Introduced continued

2 1 all who specialize in this area, shall conduct and coordinate
2 2 the study.
2 3 3. The department of workforce development, the department
2 4 of economic development, the department of human services,
2 5 the university of Iowa, the university of northern Iowa, the
2 6 child and family policy center, the Iowa policy project,
2 7 and representatives of labor organizations and associations
2 8 representing business and industry shall cooperate in
2 9 conducting the study.

2 10 4. Iowa state university shall submit a report about the
2 11 findings of the study to the general assembly by December 16,
2 12 2011.

2 13 EXPLANATION

2 14 This bill directs Iowa state university, contingent upon
2 15 funding, to conduct a study regarding the economic, fiscal, and
2 16 social effects that a living wage, or self-sufficiency wage,
2 17 would have in Iowa. The bill details the criteria that the
2 18 study must include. Three Iowa state university professors
2 19 with specialized knowledge in this area shall conduct and
2 20 coordinate the study.

2 21 The bill requires that the department of workforce
2 22 development, department of economic development, department
2 23 of human resources, the university of Iowa, the university of
2 24 northern Iowa, the child and family policy center, the Iowa
2 25 policy project, and representatives of labor organizations and
2 26 business and industry associations also participate in the
2 27 study.

2 28 A report on the study's findings is due to the legislature by
2 29 December 16, 2011.

LSB 1734YH (5) 84
je/nh



Iowa General Assembly
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House File 53 - Introduced

HOUSE FILE
BY H. MILLER

A BILL FOR

1 An Act to allow the use of motorcycles equipped with detachable
2 stabilizing rear wheels on Iowa roads.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TL5B 1571YH (1) 84
dea/nh



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House File 53 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 321.435 Motorcycles equipped with
1 2 detachable stabilizing wheels.

1 3 Notwithstanding any other provision of law, a motor vehicle
1 4 that is originally designed as a two=wheeled motorcycle and
1 5 is modified using conversion hardware which allows for the
1 6 attachment and detachment of two stabilizing rear wheels may
1 7 be operated on a highway with the stabilizing wheels attached
1 8 in accordance with the provisions of this chapter applicable
1 9 to motorcycles. A motorcycle shall not be determined to be
1 10 reconstructed based on the sole fact that two stabilizing
1 11 wheels have been added as described in this section.

1 12 EXPLANATION

1 13 This bill authorizes operation of motorcycles equipped with
1 14 detachable stabilizing wheels on the rear of the motorcycle.
1 15 The additional wheels are typically installed using an assembly
1 16 mounted on brackets which are permanently attached to the frame
1 17 of the motorcycle. The assembly containing the wheels can be
1 18 removed from the brackets to convert the motorcycle back to
1 19 two=wheeled operation.

1 20 Under current law, the term "motorcycle" is defined to
1 21 include motor vehicles designed to travel on not more than
1 22 three wheels. The bill does not change that definition,
1 23 but allows a motorcycle designed to travel on two wheels
1 24 but equipped with detachable stabilizing rear wheels to be
1 25 operated on Iowa roads as a motorcycle. The bill states that a
1 26 motorcycle is not considered "reconstructed" solely because of
1 27 the addition of detachable stabilizing rear wheels.

LSB 1571YH (1) 84

dea/nh



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House File 54 - Introduced

HOUSE FILE

BY HELLAND, WAGNER,
RAECKER, UPMEYER,
BALTIMORE, SODERBERG,
BRANDENBURG, RAYHONS,
DRAKE, J. SMITH, and
DE BOEF

A BILL FOR

1 An Act relating to the comparison of public sector employment
2 with private sector employment in the arbitration of
3 collective bargaining agreements.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1081YH (5) 84
je/rj



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House File 54 - Introduced continued

PAG LIN

1 1 Section 1. Section 20.22, subsection 7, Code 2011, is
1 2 amended by adding the following new paragraph:
1 3 NEW PARAGRAPH. e. Comparison of wages, hours, and
1 4 conditions of employment of the involved public employees
1 5 with those of private sector employees doing comparable work,
1 6 giving consideration to factors peculiar to the area and the
1 7 classifications involved.

1 8 Sec. 2. Section 20.22, subsection 7, Code 2011, is amended
1 9 by adding the following new paragraph:

1 10 NEW PARAGRAPH. f. Recent data comparing changes in wages
1 11 and benefits in the public sector with those in the private
1 12 sector.

1 13 EXPLANATION

1 14 This bill requires arbitrators of collective bargaining
1 15 agreements to consider two additional factors. The arbitrators
1 16 are required to compare the wages, hours, and conditions of
1 17 employment of the involved public employees with private sector
1 18 employees doing comparable work, and to consider recent data
1 19 comparing changes in wages and benefits in the public sector
1 20 with similar changes in the private sector.

LSB 1081YH (5) 84

je/rj



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House File 55 - Introduced

HOUSE FILE
BY BAUDLER

A BILL FOR

1 An Act relating to the awarding of bonuses to appointed state
2 officers and state employees and to employees of entities
3 receiving government funds pursuant to a service contract
4 with the state and providing an effective date.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1224HH (3) 84
aw/rj



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House File 55 - Introduced continued

PAG LIN

1 1 Section 1. Section 8F.3, subsection 1, Code 2011, is amended
1 2 by adding the following new paragraph:

1 3 NEW PARAGRAPH. e. Information that the recipient entity's
1 4 policies prohibit the use of any of the moneys received
1 5 pursuant to a service contract to provide bonuses to officers
1 6 or employees of the recipient entity.

1 7 Sec. 2. Section 70A.1, subsection 1, Code 2011, is amended
1 8 to read as follows:

1 9 1. Salaries specifically provided for in an appropriation
1 10 Act of the general assembly shall be in lieu of existing
1 11 statutory salaries, for the positions provided for in the Act,
1 12 and all salaries, including longevity where applicable by
1 13 express provision in the Code, shall be paid according to the
1 14 provisions of chapter 91A and shall be in full compensation
1 15 of all services, including any service on committees, boards,
1 16 commissions or similar duty for Iowa government, except for
1 17 members of the general assembly. A state employee on an annual
1 18 salary shall not be paid for a pay period an amount which
1 19 exceeds the employee's annual salary transposed into a rate
1 20 applicable to the pay period by dividing the annual salary by
1 21 the number of pay periods in the fiscal year. Salaries for
1 22 state employees covered by the overtime payment provisions of
1 23 the federal Fair Labor Standards Act shall be established on an
1 24 hourly basis. In addition, unless otherwise authorized by law
1 25 or required pursuant to a collective bargaining agreement, a
1 26 state employee shall not receive any additional remuneration in
1 27 the form of a bonus, including but not limited to a retention
1 28 bonus, recruitment bonus, exceptional job performance pay,
1 29 extraordinary job performance pay, exceptional performance
1 30 pay, extraordinary duty pay, or extraordinary or special duty
1 31 pay, for or during the time period beginning on or after the
1 32 effective date of this Act.

1 33 Sec. 3. Section 602.1401, subsection 6, Code 2011, is
1 34 amended to read as follows:

1 35 6. The benefits plan established by the supreme court may



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House File 55 - Introduced continued

2 1 provide for benefits to court employees not covered under
2 2 a collective bargaining agreement entered into pursuant to
2 3 chapter 20, notwithstanding any contrary provision of section
2 4 70A.1 or 70A.23, consistent with benefits provided to court
2 5 employees covered under a collective bargaining agreement
2 6 entered into with the state court administrator pursuant to
2 7 chapter 20. Court employees not covered under a collective
2 8 bargaining agreement, however, shall not receive any additional
2 9 remuneration in the form of a bonus, including but not limited
2 10 to a retention bonus, recruitment bonus, exceptional job
2 11 performance pay, extraordinary job performance pay, exceptional
2 12 performance pay, extraordinary duty pay, or extraordinary or
2 13 special duty pay, for or during the time period beginning on or
2 14 after the effective date of this Act.

2 15 Sec. 4. 2010 Iowa Acts, chapter 1193, section 17, subsection
2 16 3, is amended to read as follows:

2 17 3. A person whose salary is established pursuant to this
2 18 section and who is a full-time, year-round employee of the
2 19 state shall not receive any other remuneration from the state
2 20 or from any other source for the performance of that person's
2 21 duties ~~unless the additional remuneration is first approved by~~
2 22 ~~the governor or authorized by law.~~ However, this provision
2 23 does not exclude the reimbursement for necessary travel and
2 24 expenses incurred in the performance of duties or fringe
2 25 benefits normally provided to employees of the state.

2 26 Sec. 5. 2010 Iowa Acts, chapter 1193, section 21, is amended
2 27 to read as follows:

2 28 SEC. 21 BONUS PAY. For the fiscal year beginning July 1,
2 29 2010, and ending June 30, 2011, employees of the executive
2 30 branch, judicial branch, and legislative branch shall not
2 31 receive bonus pay unless otherwise authorized by law, required
2 32 pursuant to a contract of employment entered into before July
2 33 1, 2010, or required pursuant to a collective bargaining
2 34 agreement. ~~This section does not apply to employees of the~~
2 35 ~~state board of regents.~~ For purposes of this section, "bonus



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House File 55 - Introduced continued

3 1 pay" means any additional remuneration provided an employee in
3 2 the form of a bonus, including but not limited to a retention
3 3 bonus, recruitment bonus, exceptional job performance pay,
3 4 extraordinary job performance pay, exceptional performance pay,
3 5 extraordinary duty pay, or extraordinary or special duty pay,
3 6 and any extra benefit not otherwise provided to other similarly
3 7 situated employees.

3 8 Sec. 6. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
3 9 immediate importance, takes effect upon enactment.

3 10 EXPLANATION

3 11 This bill prohibits the granting of bonuses to state
3 12 employees and the use of government moneys to provide bonuses
3 13 to employees of an entity that enters into a service contract
3 14 with the state.

3 15 Code section 8F.3, concerning contractual requirements
3 16 for entities entering into a service contract with a state
3 17 agency, is amended to provide that the entity entering into the
3 18 contract shall have policies in place prohibiting the use of
3 19 any of the moneys received pursuant to the service contract
3 20 to provide bonuses to officers or employees of the entity.

3 21 Code section 70A.1, concerning salaries and benefits of state
3 22 employees, is amended to provide that no bonuses shall be paid
3 23 to state employees unless otherwise authorized by law or a
3 24 collective bargaining agreement.

3 25 Code section 602.1401 is amended to prohibit the granting
3 26 of bonuses to court employees not covered under a collective
3 27 bargaining agreement.

3 28 2010 Iowa Acts, chapter 1193, concerning the pay of
3 29 appointed state officers, is amended to eliminate the ability
3 30 of the officers to receive additional remuneration if approved
3 31 by the governor or otherwise authorized by law.

3 32 The bill further amends 2010 Iowa Acts, chapter 1193, to
3 33 make the section 21 prohibition against granting bonus pay
3 34 applicable to employees of the state board of regents.

3 35 The bill takes effect upon enactment.

LSB 1224HH (3) 84

aw/rj



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House File 56 - Introduced

HOUSE FILE

BY PETTENGILL, DOLECHECK,
HANUSA, HORBACH,
MASSIE, HEATON,
HUSEMAN, PAUSTIAN,
HELLAND, LOFGREN,
SCHULTZ, DE BOEF, and
J. TAYLOR

A BILL FOR

1 An Act exempting certain sales by qualified organizations
2 representing veterans from sales tax.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1271YH (3) 84
tw/sc



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House File 56 - Introduced continued

PAG LIN

1 1 Section 1. Section 423.2, subsection 4, paragraph b, Code
1 2 2011, is amended to read as follows:
1 3 b. The tax imposed under this subsection covers the total
1 4 amount from the operation of games of skill, games of chance,
1 5 raffles, and bingo games as defined in chapter 99B, card
1 6 game tournaments conducted under section 99B.7B, and musical
1 7 devices, weighing machines, shooting galleries, billiard and
1 8 pool tables, bowling alleys, pinball machines, slot=operated
1 9 devices selling merchandise not subject to the general sales
1 10 taxes and on the total amount from devices or systems where
1 11 prizes are in any manner awarded to patrons and upon the
1 12 receipts from fees charged for participation in any game or
1 13 other form of amusement, and generally upon the sales price
1 14 from any source of amusement operated for profit, not specified
1 15 in this section, and upon the sales price from which tax is
1 16 not collected for tickets or admission, but tax shall not be
1 17 imposed upon any activity exempt from sales tax under section
1 18 423.3, subsection 78 or 78A. Every person receiving any sales
1 19 price from the sources described in this section is subject to
1 20 all provisions of this subchapter relating to retail sales tax
1 21 and other provisions of this chapter as applicable.
1 22 Sec. 2. Section 423.3, Code 2011, is amended by adding the
1 23 following new subsection:
1 24 NEW SUBSECTION. 78A. a. The sales price from sales or
1 25 rental of tangible personal property, or services rendered,
1 26 by a qualified organization representing veterans where the
1 27 profits from the sales or rental of the tangible personal
1 28 property or services rendered are used for the benefit of the
1 29 same qualified organization representing veterans.
1 30 b. This exemption applies to the sales price from games of
1 31 skill, games of chance, raffles, and bingo games, as defined in
1 32 chapter 99B, but only to the extent the profits from the sales,
1 33 rental, or services are used by or donated to the qualified
1 34 organization representing veterans.
1 35 c. For the purposes of this subsection, "qualified



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House File 56 - Introduced continued

2 1 organization representing veterans" means any licensed
2 2 organization representing veterans that is a post, branch,
2 3 or chapter of a national association of veterans of the
2 4 armed forces of the United States, is a federally chartered
2 5 corporation, is exempt from federal income taxes under section
2 6 501(c)(19) of the Internal Revenue Code as defined in section
2 7 422.3, has an active membership of not less than twelve
2 8 persons, and does not have a self-perpetuating governing body
2 9 and officers.

2 10 EXPLANATION

2 11 This bill exempts sales by veterans organizations from
2 12 state sales tax. The bill also provides that the 6 percent
2 13 tax on games of skill, games of chance, raffles, and bingo
2 14 games is exempted when the games are operated by a qualified
2 15 organization representing veterans and the money from the games
2 16 is donated to the veterans organization.

2 17 The definition of a "qualified organization representing
2 18 veterans" is a licensed organization that is a post, branch,
2 19 or chapter of a national association of veterans of the United
2 20 States armed forces, is a federally chartered corporation,
2 21 is exempt from federal income taxes, has more than 12 active
2 22 members, and does not have a self-perpetuating governing body
2 23 and officers.

2 24 By operation of Code section 423.6, an item exempt from the
2 25 imposition of the sales tax is also exempt from the use tax
2 26 imposed in Code section 423.5.



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House File 57 - Introduced

HOUSE FILE
BY ISENHART

A BILL FOR

1 An Act providing for the discretionary waiver of use tax
2 penalties and interest and including effective date and
3 retroactive applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1120YH (3) 84
tw/sc



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House File 57 - Introduced continued

PAG LIN

1 1 Section 1. Section 421.27, Code 2011, is amended by adding
1 2 the following new subsections:
1 3 NEW SUBSECTION. 1A. Waiver of penalty and interest for
1 4 failure to file sales or use tax return or deposit form.
1 5 a. The penalty described in subsection 1, or a portion
1 6 thereof, if assessed against a taxpayer, and any interest
1 7 assessed pursuant to section 423.40, or a portion thereof, may
1 8 be waived by the department if all of the following conditions
1 9 are met:
1 10 (1) The taxpayer is a purchaser of tangible personal
1 11 property or services which are subject to the sales and use
1 12 taxes imposed under chapter 423.
1 13 (2) The purchaser is subject to the penalties and interest
1 14 pursuant to section 423.40 as a result of a failure to file a
1 15 sales or use tax return pursuant to section 423.37.
1 16 (3) The return the purchaser failed to file was required
1 17 because of the failure of another taxpayer to pay or collect
1 18 the taxes due under chapter 423.
1 19 (4) The purchaser did not know of the other taxpayer's
1 20 failure to pay or collect the taxes due under chapter 423.
1 21 b. A waiver granted to a purchaser under this subsection
1 22 does not apply to the taxpayer described in paragraph "a",
1 23 subparagraph (3).
1 24 NEW SUBSECTION. 2A. Waiver of penalty and interest for
1 25 failure to timely pay the tax shown due, or the tax required to
1 26 be shown due, with the filing of a return or deposit form.
1 27 a. The penalty described in subsection 2, or a portion
1 28 thereof, if assessed against a taxpayer, and any interest
1 29 assessed pursuant to section 423.40, or a portion thereof, may
1 30 be waived by the department if all of the following conditions
1 31 are met:
1 32 (1) The taxpayer is a purchaser of tangible personal
1 33 property or services which are subject to the sales and use
1 34 taxes imposed under chapter 423.
1 35 (2) The purchaser is subject to the penalties and interest



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2 1 pursuant to section 423.40 as a result of a failure to pay the
2 2 amount shown due or required to be shown due on a sales or use
2 3 tax return pursuant to section 423.37.

2 4 (3) The failure to pay the amount shown due or required to
2 5 be shown due was the result of the failure of another taxpayer
2 6 to pay or collect the taxes due under chapter 423.

2 7 (4) The purchaser did not know of the other taxpayer's
2 8 failure to pay or collect the taxes due under chapter 423.

2 9 b. A waiver granted to a purchaser under this subsection
2 10 does not apply to the taxpayer described in paragraph "a",
2 11 subparagraph (3).

2 12 Sec. 2. REFUNDS. Refunds of interest or penalties which
2 13 arise from claims resulting from the enactment of this Act,
2 14 for the assessment of interest or penalties occurring between
2 15 January 1, 2009, and the effective date of this Act, shall be
2 16 limited to fifty thousand dollars in the aggregate and shall
2 17 not be allowed unless refund claims are filed prior to October
2 18 1, 2011, notwithstanding any other provision of law. If the
2 19 amount of claims totals more than fifty thousand dollars in the
2 20 aggregate, the department of revenue and finance shall prorate
2 21 the fifty thousand dollars among all claimants in relation to
2 22 the amounts of the claimants' valid claims.

2 23 Sec. 3. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
2 24 APPLICABILITY. This Act, being deemed of immediate importance,
2 25 takes effect upon enactment and applies retroactively to
2 26 January 1, 2009, for the assessment of interest or penalties
2 27 on or after that date.

2 28 EXPLANATION

2 29 This bill relates to the assessment of penalties and
2 30 interest for failure to comply with the sales and use tax laws
2 31 in certain circumstances.

2 32 Currently, if a person fails to file a return or deposit
2 33 form with the department of revenue when required to do so or
2 34 fails to timely pay the taxes due, the department shall assess
2 35 a penalty under Code section 421.27. The department can only



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3 1 waive the penalty if certain statutory conditions are met.
3 2 The bill gives the department the discretion to waive the
3 3 penalty, and any applicable interest pursuant to Code section
3 4 423.40, for certain taxpayers who fail to file the required
3 5 returns or to timely pay the taxes due. Specifically, because
3 6 the use tax, if owed, is due until it is paid, under certain
3 7 circumstances, it may be owed by a subsequent purchaser of
3 8 tangible personal property because of a prior purchaser's
3 9 failure to pay it. The bill allows the department to waive
3 10 the penalty for both a failure to file a return and a failure
3 11 to timely pay the taxes due if the taxpayer is a subsequent
3 12 purchaser who was unaware of a prior purchaser's failure to pay
3 13 the tax.
3 14 The bill allows refunds of past penalties and interest
3 15 but limits them to \$50,000 in the aggregate and to claims
3 16 for refund filed prior to October 1, 2011. If the amount of
3 17 such claims is in excess of that amount, the department is to
3 18 prorate the refunds.
3 19 The bill is effective upon enactment and applies
3 20 retroactively to January 1, 2009, for the assessment of
3 21 interest or penalties on or after that date.

LSB 1120YH (3) 84

tw/sc



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House File 58 - Introduced

HOUSE FILE
BY SWAIM

A BILL FOR

1 An Act relating to the appointment of a district associate
2 judge.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1072YH (3) 84
jm/nh



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House File 58 - Introduced continued

PAG LIN

1 1 Section 1. Section 602.6305, subsections 2 and 3, Code 2011,
1 2 are amended to read as follows:

1 3 2. A person does not qualify for appointment to the office
1 4 of district associate judge unless the person is at the time of
1 5 appointment a resident of the ~~county~~ judicial election district
1 6 in which the vacancy exists, licensed to practice law in Iowa,
1 7 and will be able, measured by the person's age at the time of
1 8 appointment, to complete the initial term of office prior to
1 9 reaching age seventy-two. An applicant for district associate
1 10 judge shall file a certified application form, to be provided
1 11 by the supreme court, with the chairperson of the county
1 12 magistrate appointing commission.

1 13 3. A district associate judge must be a resident of ~~a county~~
1 14 the judicial election district in which the office is held
1 15 during the entire term of office. A district associate judge
1 16 shall serve within the judicial district in which appointed,
1 17 as directed by the chief judge, and is subject to reassignment
1 18 under section 602.6108.

1 19 EXPLANATION

1 20 This bill relates to the appointment of a district associate
1 21 judge.

1 22 The amendments to Code section 602.6305 allow a district
1 23 associate judge to reside in the judicial election district
1 24 at the time of appointment and throughout the entire term of
1 25 office. Currently, a district associate judge is required to
1 26 reside in the county where the vacancy exists at the time of
1 27 appointment and throughout the entire term of office.

LSB 1072YH (3) 84

jm/nh



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House File 59 - Introduced

HOUSE FILE
BY ISENHART

A BILL FOR

1 An Act providing for the adoption and implementation of
2 complete streets policies applicable to certain highway
3 projects.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1082YH (2) 84
dea/rj



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House File 59 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 306E.1 Short title.
1 2 This chapter shall be known and may be cited as the "Iowa
1 3 Complete Streets Act".
1 4 Sec. 2. NEW SECTION. 306E.2 Definitions.
1 5 As used in this chapter, unless the context otherwise
1 6 requires:
1 7 1. "Agency" means the department, a regional or metropolitan
1 8 planning commission formed pursuant to chapter 28I, a county,
1 9 or a city.
1 10 2. "Complete street" means a roadway that accommodates all
1 11 users of the road including motorists, public transit users,
1 12 bicyclists, and pedestrians of all ages and abilities.
1 13 3. "Complete streets policy" means a resolution, ordinance,
1 14 statute, administrative rule, or statement of policy relating
1 15 to roads at the state, regional, or local level that ensures,
1 16 in all phases of highway project planning and development,
1 17 the adequate accommodation of all users of the road including
1 18 motorists, public transit users, bicyclists, and pedestrians of
1 19 all ages and abilities.
1 20 4. "Department" means the state department of
1 21 transportation.
1 22 5. "Director" means the director of transportation.
1 23 6. "Highway project" includes the planning, design, funding,
1 24 construction, reconstruction, resurfacing, maintenance, or
1 25 retrofitting of a highway or roadway.
1 26 Sec. 3. NEW SECTION. 306E.3 Complete streets policy ==
1 27 intent.
1 28 1. It is the intent of the general assembly that on or
1 29 before October 1, 2013, every agency having jurisdiction over
1 30 roads in the state or involved in planning for roads shall
1 31 develop and adopt a complete streets policy.
1 32 a. The policy of the department shall explicitly state
1 33 that all highway projects on primary roads shall ensure, in
1 34 all phases of project planning and development, the adequate
1 35 accommodation, safety, and convenience of all users of the road



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2 1 in accordance with complete streets principles.
2 2 b. The policy of an agency other than the state shall
2 3 explicitly state that, beginning on the effective date of
2 4 the policy, all highway projects on roads under the agency's
2 5 jurisdiction in urban areas or within one mile of the corporate
2 6 limits of a city shall ensure, in all phases of project
2 7 planning and development, the adequate accommodation, safety,
2 8 and convenience of all users of the road in accordance with
2 9 complete streets principles.
2 10 2. A complete streets policy shall delineate a clear
2 11 procedure by which an agency may exempt a highway project from
2 12 the requirements of a policy adopted under subsection 1 for any
2 13 of the following reasons:
2 14 a. The project is on a road where nonmotorized travel is
2 15 prohibited by law.
2 16 b. The cost to achieve compliance with complete streets
2 17 policy would be excessively disproportionate to the need for or
2 18 probable use of the particular road as a complete street.
2 19 c. The director or the governing body recognizes that due
2 20 to very low population density or remote location, there is
2 21 an absence of present or future need for the development of a
2 22 complete street.
2 23 d. The purposes of the agency's complete streets policy
2 24 are adequately met by a network of complete streets already in
2 25 place in proximity to the road on which the highway project
2 26 will take place, provided that the existing network includes a
2 27 route for all users of the road that reasonably substitutes for
2 28 the route followed by the exempt road.
2 29 Sec. 4. NEW SECTION. 306E.4 Research, technical guidance,
2 30 and implementation assistance.
2 31 1. The department shall conduct ongoing research regarding
2 32 complete streets to assist regional and metropolitan planning
2 33 commissions, counties, and cities to develop, adopt, and
2 34 implement complete streets policies. On or before October 1,
2 35 2012, the director shall prepare and make available to all



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3 1 regional and metropolitan planning commissions, counties, and
3 2 cities a report that describes the best practices by which
3 3 transportation agencies throughout the United States have
3 4 implemented complete streets principles. The director shall
3 5 update the report periodically as new, relevant information
3 6 becomes available, as determined by the department.

3 7 2. The department shall provide guidance to regional
3 8 or metropolitan planning commissions, counties, and cities
3 9 requesting assistance with the development or implementation
3 10 of a complete streets policy or the incorporation of complete
3 11 streets principles in community development and transportation
3 12 planning and highway projects.

3 13 Sec. 5. NEW SECTION. 306E.5 Complete streets fund.

3 14 A complete streets fund is created in the state treasury
3 15 under the control of the department. The fund shall consist of
3 16 any moneys appropriated by the general assembly and any other
3 17 moneys available to and obtained or accepted by the department
3 18 from the federal government or private sources for placement in
3 19 the fund. Section 8.33 does not apply to moneys in the fund.
3 20 Notwithstanding section 12C.7, interest or earnings on moneys
3 21 in the fund shall be credited to the fund. Moneys deposited
3 22 in the fund are appropriated to the department to be used to
3 23 facilitate complete streets projects on secondary roads and
3 24 municipal streets throughout the state.

3 25 EXPLANATION

3 26 This bill provides a mechanism for the implementation of
3 27 "complete streets" principles in highway projects undertaken
3 28 on Iowa roads.

3 29 The bill defines "complete street" as a roadway that
3 30 accommodates all users of the road including motorists, public
3 31 transit users, bicyclists, and pedestrians of all ages and
3 32 abilities.

3 33 The bill expresses the general assembly's intent that every
3 34 agency having jurisdiction over roads or involved in planning
3 35 for roads shall develop and adopt a complete streets policy



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4 1 on or before October 1, 2013. Affected agencies include
4 2 the department of transportation, regional and metropolitan
4 3 planning commissions, counties, and cities. The complete
4 4 streets policy for the state shall apply to all highway
4 5 projects on primary roads, and the policies of other agencies
4 6 shall focus on roads in urban areas or within one mile of the
4 7 corporate limits of a city. All complete streets policies
4 8 shall contain a procedure by which an agency may exempt a
4 9 highway project from the agency's complete streets policy for
4 10 specific reasons stated in the bill.
4 11 The department of transportation is directed to provide
4 12 guidance to local agencies and conduct ongoing research
4 13 regarding complete streets to assist agencies formulating
4 14 complete streets policies. The director of transportation
4 15 is required to issue by October 1, 2012, and periodically
4 16 update, a report describing best practices of transportation
4 17 agencies in other states that have implemented complete streets
4 18 principles.
4 19 The bill creates a complete streets fund for deposit of
4 20 any federal, state, or private moneys available for purposes
4 21 of complete streets. Moneys deposited in the fund are
4 22 appropriated to the department of transportation to be used to
4 23 facilitate complete streets projects on secondary roads and
4 24 municipal streets.

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dea/rj



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House File 60 - Introduced

HOUSE FILE
BY SCHULTE

A BILL FOR

1 An Act relating to the Alzheimer's disease task force report.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1728YH (2) 84
pf/nh



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1 1 Section 1. Section 231.62, Code 2011, is amended to read as
1 2 follows:

1 3 231.62 Alzheimer's disease services and training ====
1 4 implementation of recommendations.

1 5 1. The department shall regularly review trends and
1 6 initiatives to address the long-term living needs of Iowans to
1 7 determine how the needs of persons with Alzheimer's disease and
1 8 similar forms of irreversible dementia can be appropriately
1 9 met.

1 10 2. The department shall act within the funding available
1 11 to the department to expand and improve training and education
1 12 of persons who regularly deal with persons with Alzheimer's
1 13 disease and similar forms of irreversible dementia. Such
1 14 persons shall include but are not limited to law enforcement
1 15 personnel, long-term care resident's advocates, state employees
1 16 with responsibilities for oversight or monitoring of agencies
1 17 providing long-term care services, and workers and managers in
1 18 services providing direct care to such persons, such as nursing
1 19 facilities and other long-term care settings, assisted living
1 20 programs, elder group homes, residential care facilities, adult
1 21 day facilities, and home health care services. The actions
1 22 shall include but are not limited to adopting rules.

1 23 3. The department shall adopt rules in consultation with the
1 24 direct care worker task force established pursuant to 2005 Iowa
1 25 Acts, ch. 88, and in coordination with the recommendations made
1 26 by the task force, to implement all of the following training
1 27 and education provisions:

1 28 a. Standards for initial hours of training for direct care
1 29 staff, which shall require at least eight hours of classroom
1 30 instruction and at least eight hours of supervised interactive
1 31 experiences.

1 32 b. Standards for continuing and in-service education for
1 33 direct care staff, which shall require at least eight hours
1 34 annually.

1 35 c. Standards which provide for assessing the competency of



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2 1 those who have received training.

2 2 d. A standard curriculum model for the training and
2 3 education. The curriculum model shall include but is not
2 4 limited to the diagnosis process; progression of the disease;
2 5 skills for communicating with persons with the disease,
2 6 family members and friends, and caregivers; daily life skills;
2 7 caregiver stress; the importance of building relationships
2 8 and understanding personal histories; expected challenging
2 9 behaviors; nonpharmacologic interventions; and medication
2 10 management.

2 11 e. A certification process which shall be implemented for
2 12 the trainers and educators who use the standard curriculum
2 13 model.

2 14 4. The department shall conduct a statewide campaign to
2 15 educate health care providers regarding tools and techniques
2 16 for early detection of Alzheimer's disease and similar forms of
2 17 irreversible dementia so that patients and their families will
2 18 better understand the progression of such disease.

2 19 5. Within the funding available, the department shall
2 20 provide funding for public awareness efforts and educational
2 21 efforts for agencies providing long-term care services,
2 22 direct care workers, caregivers, and state employees with
2 23 responsibilities for providing oversight or monitoring of
2 24 agencies providing long-term care services. The department
2 25 shall work with local Alzheimer's disease association chapters
2 26 and other stakeholders in providing the funding.

2 27 6. The department shall develop a schedule for
2 28 implementation of the recommendations submitted by the
2 29 Alzheimer's disease task force to the governor and the general
2 30 assembly in January 2008 relating to education and training,
2 31 funding and reimbursement, services and housing, and wellness
2 32 and disease management. The schedule shall provide priorities
2 33 for implementation of all recommendations by January 1, 2020.

2 34 EXPLANATION

2 35 This bill directs the department on aging to develop a



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3 1 schedule for implementation of the recommendations submitted
3 2 by the Alzheimer's disease task force to the governor and the
3 3 general assembly in January 2008 relating to education and
3 4 training, funding and reimbursement, services and housing, and
3 5 wellness and disease management. The schedule is to provide
3 6 priorities for implementation of all recommendations by January
3 7 1, 2020. The Alzheimer's disease task force was created
3 8 pursuant to 2007 Iowa Acts, chapter 121.

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House File 61 - Introduced

HOUSE FILE
BY ISENHART

A BILL FOR

1 An Act relating to agreements concerning disadvantaged workers
2 under the industrial new jobs training program.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSE 1084YH (2) 84
tw/rj



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1 1 Section 1. Section 260E.2, subsection 1, Code 2011, is
1 2 amended to read as follows:
1 3 1. "Agreement" ~~is the~~ means an agreement ~~between~~ entered
1 4 into by an employer and a community college concerning a
1 5 project pursuant to section 260E.3.
1 6 Sec. 2. Section 260E.2, Code 2011, is amended by adding the
1 7 following new subsections:
1 8 NEW SUBSECTION. 5A. "Disability" means the same as defined
1 9 in section 15.102, subsection 8.
1 10 NEW SUBSECTION. 5B. "Disadvantaged worker" means a resident
1 11 of this state who is a member of an underserved population and
1 12 who is participating in a project for the purpose of qualifying
1 13 for employment with an employer.
1 14 NEW SUBSECTION. 5C. "Disadvantaged worker agreement"
1 15 means an agreement entered into by a community college and a
1 16 disadvantaged worker concerning a project pursuant to section
1 17 260E.3A.
1 18 NEW SUBSECTION. 9A. "Minority person" means the same as
1 19 defined in section 15.102, subsection 8.
1 20 Sec. 3. Section 260E.2, subsection 15, Code 2011, is amended
1 21 to read as follows:
1 22 15. "Project" means a training arrangement which is the
1 23 subject of an agreement ~~entered into between the community~~
1 24 ~~college and an employer~~ to provide program services under
1 25 section 260E.3 or 260E.3A.
1 26 Sec. 4. Section 260E.2, Code 2011, is amended by adding the
1 27 following new subsection:
1 28 NEW SUBSECTION. 16. "Underserved population" includes any
1 29 of the following:
1 30 a. Persons with an adjusted gross income of twenty thousand
1 31 dollars or less in the preceding tax year.
1 32 b. Women, persons with disabilities, and minority persons.
1 33 c. Persons age sixty-five and older.
1 34 d. Persons convicted of a crime who are reentering society
1 35 after being released from incarceration.



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2 1 Sec. 5. NEW SECTION. 260E.3A Disadvantaged worker
2 2 agreements.
2 3 1. A community college may enter into an agreement with a
2 4 disadvantaged worker to establish a project pursuant to this
2 5 section.
2 6 2. A disadvantaged worker agreement shall provide for the
2 7 furnishing of program services to disadvantaged workers.

2 8 EXPLANATION

2 9 This bill relates to agreements between employers and
2 10 community colleges concerning disadvantaged workers under the
2 11 industrial new jobs training program in Code chapter 260E.
2 12 Currently, agreements under the program are entered into
2 13 between community colleges and employers. The bill provides a
2 14 framework for such agreements for the purposes of qualifying
2 15 certain disadvantaged workers for employment with employers.
2 16 The bill does not provide a source of funding for training
2 17 program costs under such agreements.

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House File 62 - Introduced

HOUSE FILE

BY WINCKLER, MASCHER,
LENSING, BERRY, and
WESSEL-KROESCHELL

A BILL FOR

1 An Act relating to the allocation and issuance of qualified
2 student loan bonds under the private activity bond
3 allocation Act.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1359YH (8) 84

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1 1 Section 1. Section 7C.4A, subsection 3, Code 2011, is
1 2 amended to read as follows:
1 3 3. Sixteen percent of the state ceiling shall be allocated
1 4 to qualified student loan bonds. However, at any time during
1 5 the calendar year the governor's designee, with the approval
1 6 of the ~~Iowa student loan liquidity corporation~~ college student
1 7 aid commission, may determine that a lesser amount need be
1 8 allocated to qualified student loan bonds and on that date the
1 9 lesser amount shall be the amount allocated for those bonds and
1 10 the excess shall be allocated under subsection 7.
1 11 Sec. 2. Section 261.38, subsection 5, Code 2011, is amended
1 12 to read as follows:
1 13 5. a. The commission may enter into agreements ~~with~~
1 14 ~~the Iowa student loan liquidity corporation~~ in order to
1 15 increase access for students to education loan programs that
1 16 the commission determines meet the education needs of Iowa
1 17 residents. The agreements shall permit the establishment,
1 18 funding, and operation of alternative education loan programs,
1 19 as described in section 144(b)(1)(B) of the Internal Revenue
1 20 Code of 1986 as amended, as defined in section 422.3, in
1 21 addition to programs permitted under the federal Higher
1 22 Education Act of 1965. In accordance with those agreements,
1 23 the ~~Iowa qualified student loan liquidity corporation bond~~
1 24 issuer may issue bonds, notes, or other obligations to the
1 25 public and others for the purpose of funding the alternative
1 26 education loan programs. This authority to issue bonds, notes,
1 27 or other obligations shall be in addition to the authority
1 28 established in the articles of incorporation and bylaws of the
1 29 ~~Iowa qualified student loan liquidity corporation bond issuer.~~
1 30 b. Bonds, notes, or other obligations issued by the ~~Iowa~~
1 31 ~~qualified student loan liquidity corporation bond issuer~~ are
1 32 not an obligation of this state or any political subdivision
1 33 of this state within the meaning of any constitutional or
1 34 statutory debt limitations, but are special obligations of the
1 35 ~~Iowa qualified~~ student loan ~~liquidity corporation bond issuer,~~



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2 1 and the ~~corporation~~ qualified student loan bond issuer shall
2 2 not pledge the credit or taxing power of this state or any
2 3 political subdivision of this state, or make its debts payable
2 4 out of any of the moneys except those of the ~~corporation~~
~~2 5~~ qualified student loan bond issuer.

2 6 EXPLANATION

2 7 This bill removes references to the Iowa student loan
2 8 liquidity corporation from certain provisions of the Code.

2 9 The Code provision that allocates 16 percent of the state
2 10 ceiling to a political subdivision for purposes of qualified
2 11 student loan bonds under the private activity bond allocation
2 12 Act is modified to provide that the college student aid
2 13 commission, rather than the corporation, may approve the
2 14 governor's designee's determination that a lesser amount need
2 15 be allocated to qualified student loan bonds. The bill also
2 16 modifies a provision that permits the commission to enter into
2 17 agreements with the corporation in order to increase access for
2 18 students to education loan programs, by replacing references to
2 19 the corporation with references to the qualified student loan
2 20 bond issuer, which is the designation the corporation currently
2 21 holds.

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kh/sc



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House File 63 - Introduced

HOUSE FILE
BY KAUFMANN and SWAIM

A BILL FOR

1 An Act relating to the status of posthumously conceived and
2 born children in the context of legitimacy, inheritance,
3 rights to claim an after-born child's share, and other
4 rights.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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1 1 Section 1. Section 252A.3, Code 2011, is amended by adding
1 2 the following new subsections:
1 3 NEW SUBSECTION. 4A. a. A child born of parents who at any
1 4 time prior to the birth of the child entered into a civil or
1 5 religious marriage ceremony is deemed the legitimate child of
1 6 both parents, regardless of the validity of such marriage, if
1 7 all of the following conditions are met:
1 8 (1) The marriage was not thereafter dissolved prior to the
1 9 death of either parent.
1 10 (2) The child was conceived and born after the death of
1 11 a parent or was born as the result of the implantation of an
1 12 embryo after the death of a parent.
1 13 (3) A genetic parent=child relationship between the child
1 14 and the deceased parent is established.
1 15 (4) The deceased parent, in a signed writing, authorized the
1 16 other parent to use the deceased parent's genetic material to
1 17 initiate the posthumous procedure that resulted in the child's
1 18 birth, or the deceased parent, by a specific reference to the
1 19 genetic material, bequeathed the genetic material to the other
1 20 parent in a valid will.
1 21 (5) The child is born within two years of the death of the
1 22 deceased parent.
1 23 b. For the purposes of this subsection, "genetic material"
1 24 means sperm, eggs, or embryos.
1 25 NEW SUBSECTION. 5A. a. A child born of parents who at
1 26 any time prior to the birth of the child held themselves out
1 27 as spouses by virtue of a common law marriage is deemed the
1 28 legitimate child of both parents, if all of the following
1 29 conditions are met:
1 30 (1) The marriage was not thereafter dissolved prior to the
1 31 death of either parent.
1 32 (2) The child was conceived and born after the death of
1 33 a parent or was born as the result of the implantation of an
1 34 embryo after the death of a parent.
1 35 (3) A genetic parent=child relationship between the child



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2 1 and the deceased parent is established.
2 2 (4) The deceased parent, in a signed writing, authorized the
2 3 other parent to use the deceased parent's genetic material to
2 4 initiate the posthumous procedure that resulted in the child's
2 5 birth, or the deceased parent, by a specific reference to the
2 6 genetic material, bequeathed the genetic material to the other
2 7 parent in a valid will.
2 8 (5) The child is born within two years of the death of the
2 9 deceased parent.
2 10 b. For purposes of this subsection, "genetic material" means
2 11 sperm, eggs, or embryos.
2 12 Sec. 2. NEW SECTION. 633.220A Posthumous child.
2 13 1. For the purposes of rules relating to intestate
2 14 succession, a child of an intestate conceived and born after
2 15 the intestate's death or born as the result of the implantation
2 16 of an embryo after the death of the intestate is deemed a child
2 17 of the intestate as if the child had been born during the
2 18 lifetime of the intestate and had survived the intestate, if
2 19 all of the following conditions are met:
2 20 a. A genetic parent=child relationship between the child and
2 21 the intestate is established.
2 22 b. The intestate, in a signed writing, authorized the
2 23 intestate's surviving spouse to use the deceased parent's
2 24 genetic material to initiate the posthumous procedure that
2 25 resulted in the child's birth.
2 26 c. The child is born within two years of the death of the
2 27 intestate.
2 28 2. Any heir of the intestate whose interest in the
2 29 intestate's estate would be reduced by the birth of a child
2 30 born as provided in subsection 1 shall have one year from the
2 31 birth of the child within which to bring an action challenging
2 32 the child's right to inherit under this chapter.
2 33 3. For the purposes of this section, "genetic material"
2 34 means sperm, eggs, or embryos.
2 35 Sec. 3. Section 633.267, Code 2011, is amended to read as



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3 1 follows:

3 2 633.267 Children born or adopted after execution of will.

3 3 1. If a testator fails to provide in the testator's will

3 4 for any child of the ~~testator's children~~ testator born to or

3 5 adopted by the testator after the execution of the testator's

3 6 last will, such child, whether born before or after the

3 7 testator's death, shall receive a share in the estate of the

3 8 testator equal in value to that which the child would have

3 9 received under section ~~633.211, 633.212, or~~ 633.219, after

3 10 taking into account the spouse's intestate share under section

3 11 633.211 or section 633.212, whichever section or sections are

3 12 applicable, if the testator had died intestate, unless it

3 13 appears from the will that such omission was intentional.

3 14 2. a. For the purposes of this section, a child born after

3 15 the testator's death includes a child of the testator conceived

3 16 and born after the testator's death, or a child born as the

3 17 result of the implantation of an embryo after the testator's

3 18 death, if all of the following conditions are met:

3 19 (1) A genetic parent-child relationship between the child

3 20 and the testator is established.

3 21 (2) The testator, in a signed writing, authorized the

3 22 testator's surviving spouse to use the deceased parent's

3 23 genetic material to initiate the posthumous procedure that

3 24 resulted in the child's birth or the testator by specific

3 25 reference to the genetic material, bequeathed the genetic

3 26 material to the other parent in a valid will.

3 27 (3) The child is born within two years of the death of the

3 28 testator.

3 29 b. Any child of the testator whose share of the estate

3 30 would be reduced by the birth of a child born as provided in

3 31 paragraph "a" shall have one year from the birth of the child

3 32 within which to bring an action challenging the child's right

3 33 to a share of the estate under this section.

3 34 c. For the purposes of this subsection, "genetic material"

3 35 means sperm, eggs, or embryos.



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4 1 Sec. 4. Section 633.477, Code 2011, is amended by adding the
4 2 following new subsection:

4 3 NEW SUBSECTION. 13. A statement as to whether the
4 4 decedent left any genetic material, and if the decedent left
4 5 genetic material, if the personal representative has reserved
4 6 sufficient estate assets to fund the distribution to which
4 7 posthumous heirs, if any, would be entitled to receive; that
4 8 the personal representative will wait until two years after the
4 9 decedent's date of death to make final distributions; and that
4 10 the personal representative will submit a supplemental report
4 11 after such final distributions have been made.

4 12 Sec. 5. Section 633A.3106, Code 2011, is amended to read as
4 13 follows:

4 14 633A.3106 Children born or adopted after execution of a
4 15 revocable trust.

4 16 1. When a settlor fails to provide in a revocable trust for
4 17 any of the settlor's children born to or adopted by the settlor
4 18 after the execution of the trust or the last amendment to the
4 19 trust, such child, whether born before or after the settlor's
4 20 death, shall receive a share of the trust equal in value to
4 21 that which the child would have received under section ~~633.211,~~
4 22 ~~633.212, or~~ 633.219, after taking into account the spouse's
4 23 intestate share under section 633.211 or section 633.212,
4 24 whichever is applicable, as if the settlor had died intestate,
4 25 unless it appears from the terms of the trust or decedent's
4 26 will that such omission was intentional.

4 27 2. For the purposes of this section, a child born after the
4 28 death of the settlor who would have been entitled to a share
4 29 of the settlor's probate estate pursuant to section 633.267
4 30 shall be treated as a child of the settlor for purposes of this
4 31 section.

4 32 EXPLANATION

4 33 This bill relates to the status of posthumously conceived
4 34 and born children in the context of legitimacy, inheritance,
4 35 rights to claim an after-born child's share, and other rights.



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5 1 The bill provides that if a child is born of parents who
5 2 entered into a civil or religious marriage ceremony or a common
5 3 law marriage at any time prior to the birth of the child,
5 4 the child is deemed the legitimate child of both parents,
5 5 regardless of the validity of such marriage, if the marriage
5 6 was not thereafter dissolved prior to the death of either
5 7 parent, if the child was conceived and born after the death
5 8 of a parent, and if these conditions are met: a genetic
5 9 parent=child relationship between the child and the deceased
5 10 parent is established; the deceased parent authorized the other
5 11 parent, in a written instrument or by specific bequest in a
5 12 valid will, to use the deceased parent's genetic material to
5 13 initiate the posthumous procedure that resulted in the child's
5 14 birth; and the child is born within two years of the death of
5 15 the deceased parent.

5 16 In the context of intestate succession, the bill provides
5 17 that a child of an intestate conceived and born after the
5 18 intestate's death is the intestate's child just as if the
5 19 child had been born in the lifetime of the intestate and had
5 20 survived the intestate if three conditions are met: a genetic
5 21 parent=child relationship between the child and the intestate
5 22 is established; the intestate authorized the surviving spouse,
5 23 in a signed writing, to use the deceased parent's genetic
5 24 material to initiate the posthumous procedure that resulted in
5 25 the child's birth; and the child is born within two years of
5 26 the death of the intestate. Additionally, the bill provides
5 27 that any heir of the intestate whose interest in the estate
5 28 of the intestate will be reduced by the birth of a child born
5 29 posthumously, shall have one year from the birth of the child
5 30 within which to bring an action to challenge the child's right
5 31 to a share of the estate.

5 32 In the context of testate succession, the bill provides that
5 33 a child born after the testator's death includes a child of
5 34 the testator born after the testator's death, if the following
5 35 conditions are all met: a genetic parent=child relationship



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6 1 between the child and the testator is established; the testator
6 2 authorized the surviving spouse, in a signed writing, to use
6 3 the testator's genetic material to initiate the posthumous
6 4 procedure that resulted in the child's birth; and the child
6 5 is born within two years of the death of the testator.
6 6 Additionally, the bill provides that any child of the testator
6 7 whose share of the estate would be reduced by the birth of
6 8 a child born posthumously shall have one year from the birth
6 9 of the child within which to bring an action challenging the
6 10 child's right to a share of the estate. Such after-born child
6 11 would receive a share in the estate of the testator equal in
6 12 value to that which the child would have received under the
6 13 applicable Code sections relating to intestate succession,
6 14 unless it appears from the will that omission from the will
6 15 relative to the child was intentional. In the context of a
6 16 revocable trust, the bill provides that a child born after
6 17 death of the settlor who would have been entitled to a share of
6 18 the settlor's probate estate shall be treated as a child of the
6 19 settlor.

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Daily Bills, Amendments & Study Bills
January 18, 2011

House File 64 - Introduced

HOUSE FILE
BY KAUFMANN, GRASSLEY,
SWEENEY, and PEARSON

A BILL FOR

1 An Act relating to eminent domain authority and procedures and
2 including effective date and applicability provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1659YH (15) 84
md/sc



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1 1 Section 1. Section 6A.1, Code 2011, is amended to read as
1 2 follows:
1 3 6A.1 Exercise of power by state.
1 4 1. Proceedings may be instituted and maintained by the
1 5 state of Iowa, or for the use and benefit thereof, for the
1 6 condemnation of such private property as may be necessary
1 7 for any public improvement which the general assembly has
1 8 authorized to be undertaken by the state, and for which an
1 9 available appropriation has been made. The executive council
1 10 shall institute and maintain such proceedings in case authority
1 11 to so do be not otherwise delegated.
1 12 2. All proceedings instituted and maintained by the state
1 13 of Iowa shall not commence without the signed authorization of
1 14 the governor.
1 15 3. Notwithstanding any provision of law to the contrary,
1 16 the condemnation authority granted in this section shall not
1 17 extend to the department of natural resources if the department
1 18 is seeking to acquire real property for purposes of carrying
1 19 out a duty related to the development or maintenance of
1 20 the recreation resources of the state, including planning,
1 21 acquisition, and development of recreational projects, and
1 22 areas and facilities related to such projects.
1 23 Sec. 2. NEW SECTION. 6A.15 Property on state historic
1 24 registry.
1 25 Property listed on the state register of historic places
1 26 maintained by the historical division of the department of
1 27 cultural affairs shall not be removed from the register solely
1 28 for the purpose of allowing acquisition of the property by
1 29 condemnation.
1 30 Sec. 3. Section 6A.22, subsection 2, paragraph c,
1 31 subparagraph (1), Code 2011, is amended to read as follows:
1 32 (1) (a) If private property is to be condemned for
1 33 development or creation of a lake, only that number of acres
1 34 justified as reasonable and necessary for a surface drinking
1 35 water source, and not otherwise acquired, may be condemned.



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2 1 ~~In addition~~ Prior to making a determination that such lake
2 2 development or creation is reasonable and necessary, the
2 3 acquiring agency shall ~~conduct a review of~~ demonstrate by clear
2 4 and convincing evidence that no other prudent and feasible
2 5 ~~alternatives to~~ alternative for provision of a drinking
2 6 water source ~~prior to making a determination that such lake~~
~~2 7 development or creation is reasonable and necessary exists.~~
2 8 Development or creation of a lake as a surface drinking water
2 9 source includes all of the following:
2 10 (i) Construction of the dam, including sites for suitable
2 11 borrow material and the auxiliary spillway.
2 12 (ii) The water supply pool.
2 13 (iii) The sediment pool.
2 14 (iv) The flood control pool.
2 15 (v) The floodwater retarding pool.
2 16 (vi) The surrounding area upstream of the dam no higher in
2 17 elevation than the top of the dam's elevation.
2 18 (vii) The appropriate setback distance required by state or
2 19 federal laws and regulations to protect drinking water supply.
2 20 (b) For purposes of this subparagraph (1), "number of acres
2 21 justified as reasonable and necessary for a surface drinking
2 22 water source" means according to guidelines of the United
2 23 States natural resource conservation service and according to
2 24 analyses of ~~surface~~ drinking water capacity needs conducted by
2 25 one or more registered professional engineers using standards
2 26 alternative to the federal guidelines. Any guidelines or
2 27 analyses related to future drinking water capacity needs shall
2 28 be based on the current rate of drinking water usage in the
2 29 area to be served by the surface drinking water source.
2 30 (c) Guidelines relating to drinking water capacity needs
2 31 in time of drought shall not be used in any analysis performed
2 32 pursuant to this subparagraph (1). An analysis performed
2 33 pursuant to this subparagraph (1) shall include information on
2 34 groundwater resources in the area and the potential for the use
2 35 of such resources to meet drinking water capacity needs.



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3 1 (d) A second review or analysis may be requested by any
3 2 landowner affected by the proposed condemnation action, and the
3 3 engineer shall be selected by a committee of private landowners
3 4 affected by the proposed condemnation action. The acquiring
3 5 agency shall be responsible for paying the fees and expenses of
3 6 such an engineer.

3 7 (e) A landowner affected by the proposed condemnation
3 8 action may request a public hearing regarding the influence
3 9 of a federal agency on the lake creation or development
3 10 project, on the proposed condemnation actions related to the
3 11 project, and on the use of federal guidelines in analyzing
3 12 drinking water capacity needs. The hearing shall be conducted
3 13 by a person who is not involved with the lake creation or
3 14 development, and the services of such person in conducting the
3 15 hearing shall be paid by the acquiring agency.

3 16 Sec. 4. Section 6A.22, subsection 2, Code 2011, is amended
3 17 by adding the following new paragraph:

3 18 NEW PARAGRAPH. d. Notwithstanding paragraphs "a", "b", and
3 19 "c", "public use", "public purpose", or "public improvement" does
3 20 not include any project that receives a state appropriation or
3 21 that receives or is awarded state funds or other funding by
3 22 means of incentives, as authorized pursuant to chapter 12, 15,
3 23 15A, 15E, 15F, 15G, or 16.

3 24 Sec. 5. Section 6A.24, subsection 3, Code 2011, is amended
3 25 to read as follows:

3 26 3. For any action brought under this section, the burden
3 27 of proof shall be on the acquiring agency to prove by a
~~3 28 preponderance of the clear and convincing~~ evidence that the
3 29 finding of public use, public purpose, or public improvement
3 30 meets the definition of those terms. If a property owner or a
3 31 contract purchaser of record or a tenant occupying the property
3 32 under a recorded lease prevails in an action brought under
3 33 this section, the acquiring agency shall be required to pay
3 34 the costs, including reasonable attorney fees, of the adverse
3 35 party.



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4 1 Sec. 6. Section 6B.2C, Code 2011, is amended to read as
4 2 follows:

4 3 6B.2C Approval of the public improvement.

4 4 The authority to condemn is not conferred, and the
4 5 condemnation proceedings shall not commence, unless the
4 6 governing body for the acquiring agency approves, by
4 7 resolution, declares that adequate funding for the public
4 8 improvement has been secured, that the use of condemnation
4 9 for the public improvement is approved, and that there is a
4 10 reasonable expectation the applicant will be able to achieve
4 11 its public purpose, comply with all applicable standards, and
4 12 obtain the necessary permits.

4 13 Sec. 7. Section 6B.14, subsection 2, Code 2011, is amended
4 14 to read as follows:

4 15 2. Prior to the meeting of the commission, the commission
4 16 or a commissioner shall not communicate with the applicant,
4 17 property owner, or tenant, or their agents, regarding the
4 18 condemnation proceedings. The commissioners shall meet in open
4 19 session to view the property and to receive evidence, ~~but may~~
—4 20 ~~and shall deliberate and vote in closed open session. When~~
—4 21 ~~deliberating in closed session, the meeting is closed to all~~
—4 22 ~~persons who are not commissioners except for personnel from~~
—4 23 ~~the sheriff's office if such personnel is requested by the~~
—4 24 ~~commission.~~ After deliberations commence, the commission and
4 25 each commissioner is prohibited from communicating with any
4 26 party to the proceeding unless such communication occurs in the
4 27 presence of or with the consent of the property owner and other
4 28 parties who appeared before the commission or their agents.
4 29 ~~However, if the commission is deliberating in closed session,~~
—4 30 ~~and after deliberations commence the commission requires~~
—4 31 ~~further information from a party or a witness, the commission~~
—4 32 ~~shall notify the property owner and the acquiring agency that~~
—4 33 ~~they are allowed to attend the meeting at which such additional~~
—4 34 ~~information shall be provided but only for that period of time~~
—4 35 ~~during which the additional information is being provided.~~



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~~5 1 The property owner and the acquiring agency shall be given a~~
~~5 2 reasonable opportunity to attend the meeting. The commission~~
5 3 shall keep minutes of all its meetings showing the date, time,
5 4 and place, the members present, and the action taken at each
5 5 meeting. The minutes shall show the results of each vote taken
5 6 and information sufficient to indicate the vote of each member
5 7 present. ~~The vote of each member present shall be made public~~
~~5 8 at the open session.~~ The minutes shall be public records open
5 9 to public inspection.
5 10 Sec. 8. Section 6B.54, subsection 10, paragraph a, Code
5 11 2011, is amended by adding the following new subparagraph:
5 12 NEW SUBPARAGRAPH. (3) Reasonable attorney fees and
5 13 reasonable costs not to exceed one hundred thousand dollars,
5 14 including expert witness fees and fees relating to appraisal of
5 15 the property, not otherwise provided under section 6B.33.
5 16 Sec. 9. NEW SECTION. 68B.9 Ban on certain lobbying
5 17 activities on behalf of political subdivisions.
5 18 A political subdivision that collects and expends property
5 19 taxes shall not use public funds of any kind to pay a person,
5 20 organization, or other entity to act as a lobbyist in relation
5 21 to any legislation relating specifically to eminent domain
5 22 authority or condemnation procedures.
5 23 Sec. 10. Section 316.4, subsection 1, Code 2011, is amended
5 24 to read as follows:
5 25 1. If a program or project undertaken by a displacing agency
5 26 will result in the displacement of a person, the displacing
5 27 agency shall make a payment to the displaced person, upon
5 28 proper application as approved by the displacing agency, for
5 29 actual reasonable and necessary expenses incurred in moving the
5 30 person, the person's family, business, farm operation, or other
5 31 personal property subject to rules and limits established by
5 32 the department. The payment may also provide for actual direct
5 33 losses of tangible personal property, purchase of substitute
5 34 personal property, business reestablishment expenses, storage
5 35 expenses, and expenses incurred in searching for a replacement



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6 1 business or farm. If relocation of a business or farm
6 2 operation is not economically feasible, the displaced person
6 3 may also apply for payment of the loss of existing business
6 4 relationships because of the inability to relocate the business
6 5 or farm operation to a location similar in economic advantage
6 6 to the location from which the business or farm operation was
6 7 displaced.

6 8 Sec. 11. Section 364.4, subsection 1, paragraph a,
6 9 unnumbered paragraph 1, Code 2011, is amended to read as
6 10 follows:

6 11 Acquire, hold, and dispose of property outside the city in
6 12 the same manner as within. However, the power of a city to
6 13 acquire property outside the city does not include the power
6 14 to acquire property outside the city by eminent domain, except
6 15 if viable alternatives do not exist within the city and the
6 16 acquisition of the property is necessary for the following,
6 17 subject to the provisions of chapters 6A and 6B:

6 18 Sec. 12. Section 403.7, subsection 1, unnumbered paragraph
6 19 1, Code 2011, is amended to read as follows:

6 20 A municipality shall have the right to acquire by
6 21 condemnation any interest in real property, including a fee
6 22 simple title thereto, which it may deem necessary for or in
6 23 connection with an urban renewal project under this chapter,
6 24 subject to the limitations on eminent domain authority
6 25 ~~in chapter~~ chapters 6A and 6B. However, a municipality
6 26 shall not condemn agricultural land included within an
6 27 economic development area for any use unless the owner of
6 28 the agricultural land consents to condemnation or unless ~~the~~
~~6 29 municipality determines that the land is necessary or useful~~
~~6 30 viable alternatives to the condemnation of agricultural land do~~
6 31 not exist and the acquisition of the property is necessary for
6 32 any of the following:

6 33 Sec. 13. Section 455A.5, Code 2011, is amended by adding the
6 34 following new subsection:

6 35 NEW SUBSECTION. 7. The authority granted to the commission



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7 1 to acquire real property for purposes of carrying out a
7 2 duty related to development or maintenance of the recreation
7 3 resources of the state, including planning, acquisition, and
7 4 development of recreational projects, and areas and facilities
7 5 related to such projects, shall not include the authority to
7 6 acquire real property by eminent domain.

7 7 Sec. 14. Section 456A.24, subsection 2, unnumbered
7 8 paragraph 1, Code 2011, is amended to read as follows:

7 9 Acquire by purchase, ~~condemnation~~, lease, agreement,
7 10 gift, and devise lands or waters suitable for the purposes
7 11 hereinafter enumerated, and rights=of=way thereto, and to
7 12 maintain the same for the following purposes, ~~to wit~~:

7 13 Sec. 15. Section 456A.24, Code 2011, is amended by adding
7 14 the following new subsection:

7 15 NEW SUBSECTION. 15. The authority granted the department
7 16 to acquire real property for any statutory purpose relating to
7 17 the development or maintenance of the recreation resources of
7 18 the state, including planning, acquisition, and development
7 19 of recreational projects, and areas and facilities related to
7 20 such projects, shall not include the authority to acquire real
7 21 property by eminent domain.

7 22 Sec. 16. Section 461A.7, Code 2011, is amended to read as
7 23 follows:

7 24 461A.7 ~~Eminent domain~~ Purchase of lands === public parks.

7 25 The commission may purchase ~~or condemn~~ lands from willing
7 26 sellers for public parks. No A contract for the purchase of
7 27 such public parks shall not be made to an amount in excess of
7 28 funds appropriated therefor by the general assembly.

7 29 Sec. 17. Section 461A.10, Code 2011, is amended to read as
7 30 follows:

7 31 461A.10 Title to lands.

7 32 The title to all lands purchased, ~~condemned~~, or donated,
7 33 hereunder, for park ~~or highway~~ purposes and the title to all
7 34 lands purchased, condemned, or donated hereunder for highway
7 35 purposes, shall be taken in the name of the state and if



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8 1 thereafter it shall be deemed advisable to sell any portion of
8 2 the land so purchased or condemned, the proceeds of such sale
8 3 shall be placed to the credit of the said public state parks
8 4 fund to be used for such park purposes.

8 5 Sec. 18. Section 463C.8, subsection 1, paragraph k, Code
8 6 2011, is amended to read as follows:

8 7 k. The power to acquire, own, hold, administer, and dispose
8 8 of property, except that such power is not a grant of authority
8 9 to acquire property by eminent domain.

8 10 Sec. 19. REPEAL. Sections 461A.9 and 461A.75, Code 2011,
8 11 are repealed.

8 12 Sec. 20. EFFECTIVE UPON ENACTMENT AND APPLICABILITY. This
8 13 Act, being deemed of immediate importance, takes effect upon
8 14 enactment and applies to projects or condemnation proceedings
8 15 pending or commenced on or after that date.

8 16 EXPLANATION

8 17 This bill makes changes relating to eminent domain authority
8 18 and procedures.

8 19 The bill provides that proceedings for the acquisition of
8 20 property by eminent domain shall not be instituted by the state
8 21 without the signed authorization of the governor.

8 22 The bill changes the standard of proof from a preponderance
8 23 of the evidence to clear and convincing evidence for an action
8 24 brought in district court challenging the exercise of eminent
8 25 domain authority or contesting condemnation proceedings. The
8 26 bill adds reasonable attorney fees and reasonable costs, up to
8 27 \$100,000, to the list of expenses reimbursable by an acquiring
8 28 agency to a property owner.

8 29 The bill provides that property listed on the state register
8 30 of historic places shall not be removed from the register
8 31 solely for the purpose of allowing the property to be acquired
8 32 by condemnation.

8 33 The bill provides that the authority to condemn property is
8 34 not conferred, and condemnation proceedings shall not commence,
8 35 until the governing body of the acquiring agency has declared



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9 1 that adequate funding for the public improvement has been
9 2 secured.

9 3 The bill prohibits a political subdivision that collects
9 4 and expends property taxes from using any public funds to
9 5 pay a person, organization, or other entity to lobby on any
9 6 legislation relating specifically to eminent domain authority
9 7 or condemnation procedures.

9 8 The bill provides that the compensation commission
9 9 that meets to determine damages and appraise property in a
9 10 condemnation proceeding shall deliberate and vote in open
9 11 session. The bill also provides that, as an exception to the
9 12 general prohibition from communicating with a party to the
9 13 proceeding after deliberations commence, the commission and
9 14 each commissioner is permitted such communication if it occurs
9 15 in the presence of or with consent of the property owner and
9 16 the other parties or their agents.

9 17 The bill provides that, for purposes of exercising eminent
9 18 domain authority, "public use", "public purpose", or "public
9 19 improvement" does not include any project that receives state
9 20 funding or assistance through specified economic development,
9 21 tourism, or community betterment programs.

9 22 The bill provides that if relocation of a business or
9 23 farm operation is not economically feasible, the displaced
9 24 person may apply for payment of the loss of existing business
9 25 relationships because of the inability to relocate the business
9 26 or farm operation to a location similar in economic advantage
9 27 to the location from which the business or farm operation was
9 28 moved.

9 29 The bill adds a condition to the circumstances in which a
9 30 city may condemn land outside the city limits to provide that
9 31 condemnation may occur if viable alternatives do not exist
9 32 within the city and the acquisition of the land is necessary
9 33 for the purposes stated in current law. The bill also amends
9 34 urban renewal law relating to the circumstances in which a
9 35 municipality may condemn agricultural land within an economic



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10 1 development urban renewal area to provide that condemnation may
10 2 occur if viable alternatives do not exist and the acquisition
10 3 of the land is necessary for the purposes stated in current
10 4 law.

10 5 The bill provides that the department of natural resources
10 6 and the natural resource commission shall not exercise eminent
10 7 domain authority to acquire real property for purposes of
10 8 carrying out a duty related to development or maintenance of
10 9 the recreation resources of the state, including planning,
10 10 acquisition, and development of recreational projects, and
10 11 areas and facilities related to such projects. The bill
10 12 retains the department's authority to acquire property through
10 13 condemnation for highway purposes.

10 14 The bill makes changes relating to eminent domain authority
10 15 in relation to development or creation of a lake. The bill
10 16 provides that, prior to making a determination that creation or
10 17 development of a lake is reasonable and necessary, an acquiring
10 18 agency must demonstrate by clear and convincing evidence that
10 19 no other prudent and feasible alternative for provision of a
10 20 drinking water source exists. The bill also amends provisions
10 21 relating to the guidelines or analyses to be used when
10 22 determining future drinking water capacity needs. The bill
10 23 provides that a landowner affected by the proposed condemnation
10 24 action may request a second review or analysis, and the
10 25 engineer shall be selected by a committee of private landowners
10 26 affected by the proposed condemnation action. The bill
10 27 further provides that the acquiring agency shall pay for the
10 28 services of such an engineer. The bill further provides that
10 29 an affected landowner may request a public hearing, conducted
10 30 by a neutral party, on the influence of a federal agency on the
10 31 lake project, on the proposed condemnation actions, and on the
10 32 use of federal guidelines in analyzing drinking water capacity
10 33 needs. The services of the person conducting the hearing shall
10 34 be paid by the acquiring agency.

10 35 The bill takes effect upon enactment and applies to projects



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11 1 or condemnation proceedings pending or commenced on or after

11 2 that date.

LSB 1659YH (15) 84

md/sc



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HOUSE FILE
BY ISENHART

A BILL FOR

1 An Act allowing qualified organizations to lease electronic
2 bingo equipment in order to assist disabled participants.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1479YH (3) 84
aw/nh



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1 1 Section 1. Section 99B.7, subsection 8, Code 2011, is
1 2 amended to read as follows:
1 3 8. A qualified organization licensed under this section
1 4 shall purchase bingo equipment and supplies only from a
1 5 manufacturer or a distributor licensed by the department.
1 6 A qualified organization may also lease electronic bingo
1 7 equipment from a manufacturer or a distributor licensed by the
1 8 department for the purpose of aiding disabled individuals.

1 9 EXPLANATION

1 10 This bill allows a qualified organization, for the purpose
1 11 of aiding disabled participants, to lease electronic bingo
1 12 equipment from a manufacturer or distributor licensed by the
1 13 department of inspections and appeals.

1 14 A qualified organization is defined as an organization
1 15 licensed by the department of inspections and appeals which
1 16 dedicates its net receipts from a game of skill or chance or a
1 17 raffle to educational, civic, public, charitable, patriotic,
1 18 or religious uses.

LSB 1479YH (3) 84

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HOUSE FILE

BY CHAMBERS, J. TAYLOR,
SHAW, SWEENEY, HANUSA,
VANDER LINDEN, KEARNS,
THOMAS, MUHLBAUER,
WITTNEBEN, BERRY,
ALONS, LUKAN, RAYHONS,
HEDDENS, and J. SMITH

A BILL FOR

1 An Act relating to children of military service members on
2 active duty.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1128YH (4) 84
pf/nh



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1 1 Section 1. Section 598.41D, Code 2011, is amended to read
1 2 as follows:
1 3 598.41D Assignment of visitation or joint physical care ===
1 4 parent serving active duty === family member.
1 5 1. Notwithstanding any provision to the contrary, a
1 6 parent who has been granted court=ordered visitation with
1 7 or joint physical care of the parent's minor child may file
1 8 an application for modification of a decree or a petition
1 9 for modification of an order regarding child visitation or
1 10 joint physical care, prior to or during the time the parent
1 11 is serving active duty in the military service of the United
1 12 States, to temporarily assign that parent's visitation rights
1 13 or award of joint physical care to a family member of the minor
1 14 child, as specified by the parent. The application or petition
1 15 shall be accompanied by an affidavit from the family member
1 16 indicating the family member's knowledge of the application or
1 17 petition and willingness to exercise the parent's visitation
1 18 rights or assume joint physical care of the child during the
1 19 parent's absence. The application or petition shall also
1 20 request any change in the visitation schedule or award of joint
1 21 physical care necessitated by the assignment.
1 22 2. a. If the active duty of a parent affects the parent's
1 23 ability or anticipated ability to appear at a regularly
1 24 scheduled hearing, the court shall provide for an expedited
1 25 hearing in matters instituted under this section.
1 26 b. If the active duty or anticipated active duty of a parent
1 27 prevents the parent from appearing in person at a hearing, the
1 28 court shall provide, upon reasonable advance notice, for the
1 29 parent to present testimony and evidence by electronic means
1 30 in matters instituted under this section. For the purposes of
1 31 this paragraph, "electronic means" includes communication by
1 32 telephone, video teleconference, or the internet.
1 33 3. a. The court may grant the parent's request for
1 34 temporary assignment of visitation or joint physical care
1 35 and any change in the visitation schedule or award of joint



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2 1 physical care requested if the court finds that such assignment
2 2 of visitation or joint physical care is in the best interest
2 3 of the child.

2 4 b. In determining the best interest of the child, the court
2 5 shall ensure all of the following:

2 6 (1) That the specified family member is not a sex offender
2 7 as defined in section 692A.101.

2 8 (2) That the specified family member does not have a history
2 9 of domestic abuse, as defined in section 236.2. In determining
2 10 whether a history of domestic abuse exists, the court's
2 11 consideration shall include but is not limited to commencement
2 12 of an action pursuant to section 236.3, the issuance of a
2 13 protective order against the individual or the issuance of a
2 14 court order or consent agreement pursuant to section 236.5,
2 15 the issuance of an emergency order pursuant to section 236.6,
2 16 the holding of an individual in contempt pursuant to section
2 17 664A.7, the response of a peace officer to the scene of
2 18 alleged domestic abuse or the arrest of an individual following
2 19 response to a report of alleged domestic abuse, or a conviction
2 20 for domestic abuse assault pursuant to section 708.2A.

2 21 (3) That the specified family member does not have a record
2 22 of founded child or dependent adult abuse.

2 23 (4) That the specified family member has an established
2 24 relationship with the child and assigning visitation or joint
2 25 physical care to the specified family member will provide
2 26 the child the opportunity to maintain an ongoing family
2 27 relationship that is important to the child.

2 28 (5) That the specified family member is able to personally
2 29 and financially support the child during visitation or joint
2 30 physical care.

2 31 4. An order granting assignment of visitation rights or
2 32 award of joint physical care under this section does not create
2 33 separate rights to visitation or an award of joint physical
2 34 care for a person other than the parent.

2 35 5. The parent whose visitation rights are or award of joint



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3 1 physical care is temporarily assigned shall provide a copy of
3 2 the order granting assignment of visitation or joint physical
3 3 care to the school and school district of the child to whom the
3 4 order applies.

3 5 6. An order granting temporary assignment of visitation
3 6 rights or award of joint physical care pursuant to this section
3 7 shall terminate upon notification of the court by the parent
3 8 or automatically upon the parent's completion of active duty,
3 9 whichever occurs first.

3 10 7. After a parent completes active duty, if an application
3 11 for modification of a decree or a petition for modification of
3 12 an order is filed, the parent's absence due to active duty or
3 13 the assignment of visitation rights or award of joint physical
3 14 care does not constitute a substantial change in circumstances,
3 15 and the court shall not consider a parent's absence due to that
3 16 active duty or the assignment of visitation rights or award of
3 17 joint physical care in making a determination regarding the
3 18 best interest of the child relative to such an application or
3 19 petition filed after a parent completes active duty.

3 20 8. As used in this section, "active duty" means active
3 21 military duty pursuant to orders issued under Tit. X of the
3 22 United States Code. However, this section shall not apply to
3 23 active guard and reserve duty or similar full-time military
3 24 duty performed by a parent when the child remains in actual
3 25 custody of the parent.

3 26 EXPLANATION

3 27 This bill relates to the custody-related issues of children
3 28 of active duty military personnel. The bill provides that in
3 29 addition to assignment of court-ordered visitation, a parent
3 30 who will be or is serving active duty in the military service
3 31 of the United States, may petition to have an award of joint
3 32 physical care assigned to a family member of the minor child,
3 33 as specified by the parent. As with assignment of visitation,
3 34 the court must determine that the assignment of the award of
3 35 joint physical care is in the best interest of the child based



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4 1 on the factors specified in the bill.
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House Study Bill 13

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HOUSE RESOLUTION NO.

BY (PROPOSED COMMITTEE ON ETHICS RESOLUTION BY
CHAIRPERSON KOESTER)

1 1 A Resolution relating to the rules governing lobbyists
1 2 in the House of Representatives.

1 3 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES,
1 4 That the House Rules Governing Lobbyists shall be as
1 5 follows:

1 6 HOUSE RULES GOVERNING LOBBYISTS

1 7 1. DEFINITIONS OF TERMS. As used in these
1 8 rules, "client", "gift", "immediate family member",
1 9 "lobbyist", and "person" have the meanings provided
1 10 in section 68B.2 of the Code, except that the terms
1 11 "lobbyist" and "client" shall only refer to persons
1 12 who are lobbyists or clients of lobbyists of the house
1 13 of representatives. Except as otherwise provided,
1 14 "employee of the house" means a full-time permanent
1 15 paid employee of the house of representatives.

1 16 2. REGISTRATION REQUIRED.

1 17 a. All lobbyists shall, on or before the day their
1 18 lobbying activity begins, register in the manner
1 19 provided under section 68B.36 of the Code. Lobbyist
1 20 registration forms shall be available in the office of
1 21 the chief clerk of the house.

1 22 b. In addition each registered lobbyist shall file
1 23 with the chief clerk of the house a statement of the
1 24 general subjects of legislation in which the lobbyist
1 25 is or may be interested, the file number of the bills
1 26 and resolutions and the bill number of study bills,
1 27 if known, which will be lobbied, whether the lobbyist



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2 1 intends to lobby for or against each bill, resolution,
2 2 or study bill, if known, and on whose behalf the
2 3 lobbyist is lobbying the bill, resolution, or study
2 4 bill. A lobbyist filing a declaration for a bill,
2 5 resolution, or study bill may also submit a position
2 6 statement with the declaration explaining the position
2 7 of the lobbyist's client on the bill, resolution, or
2 8 study bill. The chief clerk of the house shall include
2 9 in the electronic bill declaration system a method for
2 10 the submission of position statements by lobbyists.

2 11 Any change in or addition to the information
2 12 required by this rule shall be registered with the
2 13 chief clerk of the house within ten days from the time
2 14 the change or addition is known to the lobbyist.

2 15 c. Beginning with lobbyist registration for the
2 16 2012 session of the Eighty=fourth General Assembly,
2 17 lobbyist registration shall include an affirmation by
2 18 the lobbyist regarding compliance with rule 16.

2 19 3. CANCELLATION OF REGISTRATION. If a lobbyist's
2 20 service on behalf of a particular employer, client, or
2 21 cause is concluded after the lobbyist registers but
2 22 before the first day of the next legislative session,
2 23 the lobbyist shall cancel the registration in the
2 24 manner required under section 68B.36 of the Code. Upon
2 25 cancellation of registration, a person is prohibited
2 26 from engaging in any lobbying activity on behalf
2 27 of that particular employer, client, or cause until
2 28 reregistering and complying with the requirements of
2 29 section 68B.36 of the Code.

2 30 4. AMENDMENT OF REGISTRATION. If a registered



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3 1 lobbyist represents more than one employer, client,
3 2 or cause and the lobbyist's services are concluded
3 3 on behalf of a particular employer, client, or cause
3 4 after the lobbyist registers but before the first day
3 5 of the next legislative session, the lobbyist shall
3 6 file an amendment to the lobbyist's registration
3 7 indicating which employer, client, or cause is no
3 8 longer represented by the lobbyist and the date upon
3 9 which the representation concluded.
3 10 If a lobbyist is retained by one or more additional
3 11 employers, clients, or causes after the lobbyist
3 12 registers but before the first day of the next
3 13 legislative session, the lobbyist shall file an
3 14 amendment to the lobbyist's registration indicating the
3 15 employer, client, or cause to be added and the date
3 16 upon which the representation begins.
3 17 Amendments to a lobbyist's registration regarding
3 18 changes which occur during the time that the general
3 19 assembly is in session shall be filed within one
3 20 working day after the date upon which the change in
3 21 the lobbyist's representation becomes effective.
3 22 Amendments regarding changes which occur when the
3 23 general assembly is not in session shall be filed
3 24 within ten days after the date upon which the change in
3 25 the lobbyist's representation becomes effective.
3 26 5. PUBLIC ACCESS. All information filed by a
3 27 lobbyist or a client of a lobbyist under chapter 68B
3 28 of the Code is a public record and open to public
3 29 inspection at any reasonable time.
3 30 6. CHARGE ACCOUNTS. Lobbyists and the clients



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4 1 they represent shall not allow members of the house
4 2 to charge any amounts or items to a charge account to
4 3 be paid for by those lobbyists or by the clients they
4 4 represent.

4 5 7. ACCESS TO HOUSE FLOOR. Lobbyists shall only be
4 6 permitted on the floor of the house pursuant to ~~rule 20~~
~~4 7 of the rules of the house rules.~~

4 8 8. FEE OR BONUS PROHIBITED. A fee or bonus shall
4 9 not be paid to any lobbyist with reference to any
4 10 legislative action that is conditioned wholly or in
4 11 part upon the results attained by the lobbyist.

4 12 9. OFFERS OF ECONOMIC OR INVESTMENT OPPORTUNITY. A
4 13 lobbyist, employer, or client of a lobbyist shall not
4 14 offer economic or investment opportunity or promise
4 15 of employment to any member of the house with intent
4 16 to influence conduct in the performance of official
4 17 duties.

4 18 10. PERSONAL OR FINANCIAL OBLIGATION. A lobbyist
4 19 shall not do anything with the purpose of placing
4 20 a member of the house under personal or financial
4 21 obligation to a lobbyist or a lobbyist's principal or
4 22 agent.

4 23 11. ATTEMPTS TO CREATE ADDITIONAL EMPLOYMENT. A
4 24 lobbyist shall not cause or influence the introduction
4 25 of any bill or amendment for the purpose of being
4 26 employed to secure its passage or defeat.

4 27 12. CAMPAIGN SUPPORT. A lobbyist shall not
4 28 influence or attempt to influence a member's actions
4 29 by the promise of financial support for the member's
4 30 candidacy or threat of financial support for an



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5 1 opposition candidate. A lobbyist shall not make a
5 2 campaign contribution to a member or to a member's
5 3 candidate's committee during the time that the general
5 4 assembly is in session.

5 5 13. COMMUNICATION WITH MEMBER'S EMPLOYER
5 6 PROHIBITED. A lobbyist shall not communicate with a
5 7 member's employer for the purpose of influencing a vote
5 8 of the member.

5 9 14. EXCESS PAYMENTS. A lobbyist shall not pay or
5 10 agree to pay to a member a price, fee, compensation,
5 11 or other consideration for the sale or lease of
5 12 any property or the furnishing of services which is
5 13 substantially in excess of that which other persons in
5 14 the same business or profession would charge in the
5 15 ordinary course of business.

5 16 15. PROHIBITION AGAINST GIFTS. A lobbyist or
5 17 client of a lobbyist shall not, directly or indirectly,
5 18 offer or make a gift or series of gifts to any member
5 19 or full-time permanent employee of the house or the
5 20 immediate family members of a member or full-time
5 21 permanent employee of the house except as otherwise
5 22 provided in section 68B.22 of the Code. A lobbyist
~~5 23 or client of a lobbyist who intends or plans to give~~
~~5 24 a nonmonetary item, other than food or drink consumed~~
~~5 25 in the presence of the donor, which does not have a~~
~~5 26 readily ascertainable value, to a member or full-time~~
~~5 27 permanent employee of the house, prior to giving or~~
~~5 28 sending the item to the member or employee, shall seek~~
~~5 29 approval of the item from the chief clerk of the house.~~
~~5 30 A lobbyist or client of a lobbyist who seeks approval~~



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~~6 1 of an item from the chief clerk shall submit the item~~
~~6 2 and evidence of the value of the item at the time that~~
~~6 3 approval is requested.~~

6 4 16. GIFT LAW REQUIREMENTS. A lobbyist shall inform
6 5 each of the lobbyist's clients of the requirements of
6 6 section 68B.22 of the Code ~~and of the responsibility to~~
~~6 7 seek approval prior to giving or sending a nonmonetary~~
~~6 8 item which does not have a readily ascertainable value~~
~~6 9 to a member or a full-time permanent employee of the~~
~~6 10 house.~~

6 11 ~~16.~~ 17. FINANCIAL TRANSACTIONS. A lobbyist shall
6 12 not, directly or indirectly, make a loan to a member of
6 13 the house or to an employee of the house.

6 14 A loan prohibited under this section does not
6 15 include a loan made in the ordinary course of business
6 16 of a lobbyist if the primary business of the lobbyist
6 17 is something other than lobbying, if consideration of
6 18 equal or greater value is received by the lobbyist,
6 19 and if fair market value is given or received for the
6 20 benefit conferred.

6 21 ~~17.~~ 18. HONORARIA ===== RESTRICTIONS. A lobbyist
6 22 or client of a lobbyist shall not pay an honorarium
6 23 to a member or employee of the house for a speaking
6 24 engagement or other formal public appearance in the
6 25 official capacity of the member or employee except as
6 26 otherwise provided in section 68B.23 of the Code.

6 27 ~~18.~~ 19. COMPLAINTS. The procedures for complaints
6 28 and enforcement of these rules shall be the same as
6 29 those provided in the house code of ethics.

6 30 ~~19.~~ 20. PROCEDURES AND FORMS. The chief clerk of



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7 1 the house, subject to the approval of the house ethics
7 2 committee, shall prescribe procedures for compliance
7 3 with these rules, and shall prepare forms for the
7 4 filing of complaints and make them available to any
7 5 person.

7 6 21. TAGS OR BADGES. During any 2011 regular
7 7 or extraordinary session, when engaged in lobbying
7 8 activities before the house, a lobbyist is encouraged
7 9 to wear, in a clearly visible manner, a tag or badge
7 10 bearing the lobbyist's name and designating the
7 11 lobbyist as such. The wearing of a tag or badge
7 12 described in this rule shall be mandatory for all
7 13 subsequent legislative sessions.

LSB 1355HC (6) 84

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House Study Bill 14

HOUSE FILE
BY (PROPOSED COMMITTEE ON
ETHICS BILL BY
CHAIRPERSON KOESTER)

A BILL FOR

1 An Act relating to the filing of lobbyist registrations and
2 lobbyist's client reports with the general assembly.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1669YC (3) 84
tm/rj



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House Study Bill 14 continued

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1 1 Section 1. Section 68B.36, Code 2011, is amended to read as
1 2 follows:
1 3 68B.36 Applicability ==== lobbyist registration required.
1 4 1. All lobbyists shall, on or before the day their lobbying
1 5 activity begins, register by electronically filing a lobbyist's
1 6 registration statement at times and in the manner provided in
1 7 this section. In addition to any other information required by
1 8 the general assembly ~~and the board~~, a lobbyist shall identify
1 9 in the registration statement all clients of the lobbyist
1 10 and whether the lobbyist will also be lobbying the executive
1 11 branch. Lobbyists engaged in lobbying activities before
1 12 the general assembly and before the office of the governor
1 13 or any state agency shall file the statement with the chief
1 14 clerk of the house of representatives or the secretary of the
1 15 senate. ~~Lobbyists engaged in lobbying activities before the~~
~~1 16 office of the governor or any state agency shall file the~~
~~1 17 statement with the board.~~ The chief clerk of the house and the
1 18 secretary of the senate shall ~~provide appropriate registration~~
~~1 19 forms to lobbyists before the general assembly. The board~~
~~1 20 shall prescribe appropriate registration forms for lobbyists~~
~~1 21 before the office of the governor and state agencies establish~~
1 22 an internet site for the electronic filing of lobbyist
1 23 registrations.
1 24 2. Registration shall be valid from the date of registration
1 25 until ~~the expiration of the registration period for the type~~
~~1 26 of lobbying in which the person will be engaging the end of the~~
1 27 calendar year. Any change in or addition to the information
1 28 shall be registered within ten days after the change or
1 29 addition is known to the lobbyist. ~~Changes or additions for~~
~~1 30 executive branch lobbyists shall be filed with the board.~~
1 31 Changes or additions for registrations of lobbyists ~~of the~~
~~1 32 general assembly~~ shall be filed with either the chief clerk of
1 33 the house or the secretary of the senate.
1 34 3. ~~For persons registered to lobby before the general~~
~~1 35 assembly, registration expires upon the commencement of the~~



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~~2 1 next regular session of the general assembly, except that the~~
~~2 2 chief clerk of the house and the secretary of the senate may~~
~~2 3 adopt and implement a reasonable preregistration procedure~~
~~2 4 in advance of each regular session during which persons~~
~~2 5 may register for that session and the following legislative~~
~~2 6 interim. For persons registered to lobby before the office of~~
~~2 7 the governor or a state agency, registration expires upon the~~
~~2 8 commencement of a new calendar year. The board may adopt and~~
~~2 9 implement a reasonable preregistration procedure in advance of~~
~~2 10 each new calendar year during which persons may register for~~
~~2 11 that year. Beginning December 1 of each year, a person may~~
~~2 12 preregister to lobby for the following calendar year.~~
2 13 4. If a lobbyist's service on behalf of all clients,
2 14 employers, or causes is concluded prior to the end of the
2 15 calendar year, the lobbyist may cancel the registration on
~~2 16 appropriate forms supplied by the board, the chief clerk of the~~
~~2 17 house, or the secretary of the senate. The cancellation forms~~
~~2 18 shall be filed by the lobbyist in the place where the lobbyist~~
~~2 19 filed the original registration by electronically filing a~~
2 20 notice of cancellation with the chief clerk of the house or the
2 21 secretary of the senate. Upon cancellation of registration, a
2 22 lobbyist is prohibited from engaging in any lobbying activity
2 23 on behalf of any employer, client, or cause until reregistering
2 24 and complying with the rules of the board or the general
~~2 25 assembly.~~
2 26 5. Federal, state, and local officials who wish to lobby
2 27 in opposition to the official position of their departments,
2 28 commissions, boards, or agencies must indicate this on their
2 29 lobbyist registration statements.
2 30 6. The chief clerk of the house or the secretary of the
2 31 senate shall post all lobbyist registrations in a searchable
2 32 database on an internet site. The board shall establish a link
2 33 on the internet site of the board to the lobbyist registration
2 34 information on the general assembly's internet site.
2 35 Sec. 2. Section 68B.38, Code 2011, is amended to read as



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3 1 follows:

3 2 68B.38 Lobbyist's client reporting.

3 3 1. On or before July 31 of each year, a lobbyist's client
3 4 shall electronically file with the general assembly ~~and board~~
3 5 a report that contains information on all salaries, fees,
3 6 retainers, and reimbursement of expenses paid by the lobbyist's
3 7 client to the lobbyist for lobbying purposes during the
3 8 preceding twelve calendar months, concluding on June 30 of each
3 9 year. The amount reported to the general assembly ~~and the~~
~~3 10 board~~ shall include the total amount of all salaries, fees,
3 11 retainers, and reimbursement of expenses paid to a lobbyist for
3 12 lobbying both the legislative and executive branches.

3 13 2. ~~Reports by a lobbyist's clients shall be filed with~~
~~3 14 the same entity with which the lobbyist filed the lobbyist's~~
~~3 15 registration.~~ The chief clerk of the house and the secretary
3 16 of the senate shall establish an internet site for the filing
3 17 of lobbyist's client reports in an electronic format.
3 18 3. ~~The secretary of the senate, chief clerk of the house,~~
~~3 19 and the board shall develop forms to implement this section.~~
3 20 The chief clerk of the house and the secretary of the senate
3 21 shall post all lobbyist's client reports filed pursuant to this
3 22 section in a searchable database on an internet site. The
3 23 board shall establish a link on the internet site of the board
3 24 to the lobbyist's client report information on the general
3 25 assembly's internet site.

3 26 EXPLANATION

3 27 This bill relates to the filing of lobbyist registrations
3 28 and lobbyist's client reports with the general assembly.

3 29 Currently, a person engaged in lobbying activities before
3 30 the general assembly files a lobbyist registration with the
3 31 general assembly and a person engaged in lobbying activities
3 32 before the office of the governor or any state agency files
3 33 a lobbyist registration with the ethics and campaign finance
3 34 disclosure board. The bill eliminates the requirements
3 35 related to filing with the board and provides that regardless



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4 1 of where the lobbying activities take place all lobbyist
4 2 registrations are filed with the general assembly. The bill
4 3 requires all lobbyist registrations to be filed electronically
4 4 and the general assembly is required to post all lobbyist
4 5 registrations in a searchable database on an internet site.
4 6 The bill requires the board to establish a link on the internet
4 7 site of the board to the lobbyist registration information on
4 8 the general assembly's internet site. The bill unifies the
4 9 legislative branch and executive branch lobbyist registration
4 10 periods by making all registrations valid from the date of the
4 11 registration to the end of the calendar year. The bill allows
4 12 for preregistration for the following calendar year beginning
4 13 on December 1 of each year.
4 14 Currently, a lobbyist's client is required to file an annual
4 15 report with both the general assembly and the board based
4 16 on the entity with which the lobbyist filed the lobbyist's
4 17 registration. The bill requires all lobbyist's client
4 18 reports to be filed with the general assembly and that the
4 19 general assembly shall post all lobbyist's client reports in
4 20 a searchable database on an internet site. The bill requires
4 21 the board to establish a link on the internet site of the board
4 22 to the lobbyist's client report information on the general
4 23 assembly's internet site.

LSB 1669YC (3) 84

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House Study Bill 15

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HOUSE RESOLUTION NO.

BY (PROPOSED COMMITTEE ON ETHICS RESOLUTION BY
CHAIRPERSON KOESTER)

1 1 A Resolution relating to the House code of ethics.
1 2 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That
1 3 the House Code of Ethics shall be as follows:
1 4 HOUSE CODE OF ETHICS
1 5 PREAMBLE. Every legislator and legislative employee
1 6 has a duty to uphold the integrity and honor of the
1 7 general assembly, to encourage respect for the law and
1 8 for the general assembly, and to observe the house code
1 9 of ethics. The members and employees of the house
1 10 have a responsibility to conduct themselves so as to
1 11 reflect credit on the general assembly, and to inspire
1 12 the confidence, respect, and trust of the public. The
1 13 following rules are adopted pursuant to chapter 68B of
1 14 the Code, to assist the members and employees in the
1 15 conduct of their activities:
1 16 1. DEFINITIONS. The definitions of terms provided
1 17 in chapter 68B of the Code apply to the use of those
1 18 terms in these rules.
1 19 2. ECONOMIC INTEREST OF MEMBER OR EMPLOYEE OF
1 20 HOUSE.
1 21 a. Economic or investment opportunity. A member
1 22 or employee of the house shall not solicit or accept
1 23 economic or investment opportunity under circumstances
1 24 where the member or employee knows, or should know,
1 25 that the opportunity is being afforded with the intent
1 26 to influence the member's or employee's conduct in
1 27 the performance of official duties. If a member



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2 1 or employee of the house learns that an economic
2 2 or investment opportunity previously accepted was
2 3 offered with the intent of influencing the member's or
2 4 employee's conduct in the performance of the official
2 5 duties, the member or employee shall take steps to
2 6 divest that member or employee of that investment or
2 7 economic opportunity, and shall report the matter
2 8 in writing to the chairperson of the house ethics
2 9 committee.

2 10 b. Excessive charges for services, goods, or
2 11 property interests. A member or employee of the
2 12 house shall not charge to or accept from a person
2 13 known to have a legislative interest, a price, fee,
2 14 compensation, or other consideration for the sale or
2 15 lease of any property or the furnishing of services
2 16 which is in excess of that which the member or employee
2 17 would ordinarily charge another person.

2 18 c. Use of confidential information. A member or
2 19 employee of the house, in order to further the member's
2 20 or employee's own economic interests, or those of any
2 21 other person, shall not disclose or use confidential
2 22 information acquired in the course of the member's or
2 23 employee's official duties. For the purpose of this
2 24 rule, information disclosed in open session at a public
2 25 meeting and information that is a public record is not
2 26 confidential information.

2 27 d. Employment. A member or employee of the
2 28 house shall not accept employment, either directly
2 29 or indirectly, from a political action committee. A
2 30 member of the house shall not act as a paid lobbyist



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3 1 for any organization. However, this paragraph shall
3 2 not prohibit a member or employee of the house from
3 3 working for a candidate's committee, a political
3 4 party's action committee, or a political action
3 5 committee which does not expressly advocate the
3 6 nomination, election, or defeat of a candidate for
3 7 public office in this state or expressly advocate the
3 8 passage or defeat of a ballot issue in this state and
3 9 which is not interested in issues before the general
3 10 assembly.

3 11 For the purpose of this rule, a political action
3 12 committee means a committee, but not a candidate's
3 13 committee, which accepts contributions, makes
3 14 expenditures, or incurs indebtedness in the aggregate
3 15 of more than seven hundred fifty dollars in any one
3 16 calendar year to expressly advocate the nomination,
3 17 election, or defeat of a candidate for public office or
3 18 to expressly advocate the passage or defeat of a ballot
3 19 issue or for the purpose of influencing legislative
3 20 action.

3 21 e. A member or employee of the house shall not
3 22 solicit employment on behalf of the member or employee,
3 23 or on behalf of another legislator or employee, as a
3 24 lobbyist while the general assembly is in session.

3 25 f. Certain goods or services. A member or employee
3 26 of the house shall not solicit or obtain goods or
3 27 services from another person under circumstances where
3 28 the member or employee knows or should know that the
3 29 goods or services are being offered or sold with the
3 30 intent to influence the member's or employee's conduct



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4 1 in the performance of official duties. If a member or
4 2 employee of the house is afforded goods or services
4 3 by another person at a price that is not available to
4 4 other members or classes of members of the general
4 5 public or is afforded goods or services that are
4 6 not available to other members or classes of members
4 7 of the general public by another person where the
4 8 member or employee knows or should know that the other
4 9 person intends to influence the member's or employee's
4 10 official conduct, the member or employee shall not take
4 11 or purchase the goods or services.
4 12 3. APPEARANCE BEFORE STATE AGENCY. A member or
4 13 employee of the house may appear before a state agency
4 14 in any representation case but shall not act as a
4 15 lobbyist with respect to the passage, defeat, approval,
4 16 veto, or modification of any legislation, rule, or
4 17 executive order. Whenever a member or employee of
4 18 the house appears before a state agency, the member
4 19 or employee shall carefully avoid all conduct which
4 20 might in any way lead members of the general public
4 21 to conclude that the member or employee is using the
4 22 member's or employee's official position to further the
4 23 member's or employee's professional success or personal
4 24 financial interest.
4 25 4. CONFLICTS OF INTEREST. In order for the general
4 26 assembly to function effectively, members of the house
4 27 may be required to vote on bills and participate in
4 28 committee work which will affect their employment and
4 29 other areas in which they may have a monetary interest.
4 30 Action on bills and committee work which furthers a



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5 1 member's specific employment, specific investment, or
5 2 other specific interest, as opposed to the interests of
5 3 the public in general or the interests of a profession,
5 4 trade, business, or other class of persons, shall be
5 5 avoided. In making a decision relative to a member's
5 6 activity on particular bills or in committee work, the
5 7 following factors should be considered:
5 8 a. Whether a substantial threat to the member's
5 9 independence of judgment has been created by the
5 10 conflict situation.
5 11 b. The effect of the member's participation on
5 12 public confidence in the integrity of the general
5 13 assembly.
5 14 c. Whether the member's participation is likely to
5 15 have any significant effect on the disposition of the
5 16 matter.
5 17 d. The need for the member's particular
5 18 contribution, such as special knowledge of the subject
5 19 matter, to the effective functioning of the general
5 20 assembly.
5 21 If a member decides not to participate in committee
5 22 work or to abstain from voting because of a possible
5 23 conflict of interest, the member should disclose
5 24 this fact to the legislative body. The member shall
5 25 not vote on any question in which the member has an
5 26 economic interest that is distinguishable from the
5 27 interests of the general public or a substantial class
5 28 of persons.
5 29 5. STATUTORY REQUIREMENTS. Members and employees
5 30 of the house shall comply with the requirements



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6 1 contained in chapters 68B (~~Conflicts of Interest of~~
6 2 ~~Public Officers and Employees~~ Government Ethics and
6 3 Lobbying), 721 (Official Misconduct), and 722 (Bribery
6 4 and Corruption), and sections 2.18 (Contempt) and 711.4
6 5 (Extortion) of the Code.

6 6 6. CHARGE ACCOUNTS. Members and employees of the
6 7 house shall not charge any amount or item to a charge
6 8 account to be paid for by a lobbyist or any client of
6 9 a lobbyist.

6 10 7. TRAVEL EXPENSES. A member or employee of the
6 11 house shall not charge to the state of Iowa amounts
6 12 for travel and expenses unless the member or employee
6 13 actually has incurred those mileage and expense costs.
6 14 Members or employees shall not file the vouchers for
6 15 weekly mileage reimbursement required by section 2.10,
6 16 subsection 1 of the Code, unless the travel expense was
6 17 actually incurred.

6 18 A member or employee of the house shall not file
6 19 a claim for per diem compensation for a meeting of
6 20 an interim study committee or a visitation committee
6 21 unless the member or employee attended the meeting.
6 22 However, the speaker may waive this provision and allow
6 23 a claim to be filed if the member or employee attempted
6 24 to attend the meeting but was unable to do so because
6 25 of circumstances beyond the member's or employee's
6 26 control.

6 27 8. GIFTS ACCEPTED OR RECEIVED. Members and
6 28 employees of the house shall comply with the
6 29 restrictions relating to the receipt or acceptance
6 30 of gifts contained in section 68B.22 of the Code.



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7 1 However, the exception to the gift law restriction
7 2 contained in section 68B.22, subsection 4, paragraph
7 3 "j" of the Code shall not apply to gifts received by
7 4 members and employees of the house.

7 5 9. HONORARIA RESTRICTIONS. Members and employees
7 6 of the house shall comply with the restrictions
7 7 relating to the receipt of honoraria contained in
7 8 section 68B.23 of the Code.

7 9 10. DISCLOSURE REQUIRED. Each member of the
7 10 house and the chief clerk of the house shall file the
7 11 personal financial disclosure statements required under
7 12 section 68B.35 of the Code by February 15 of each year
7 13 for the prior calendar year.

7 14 11. SEXUAL HARASSMENT. Members and employees of
7 15 the house shall not engage in conduct which constitutes
7 16 sexual harassment as defined in section 19B.12 of
7 17 the Code or pursuant to the sexual harassment policy
7 18 adopted by the house committee on administration and
7 19 rules.

7 20 12. COMPLAINTS.

7 21 a. Filing of complaint. Complaints may be filed by
7 22 any person believing that a member or employee of the
7 23 house, a lobbyist, or a client of a lobbyist is guilty
7 24 of a violation of the house code of ethics, the house
7 25 rules governing lobbyists, or chapter 68B of the Code.

7 26 b. Complaints by committee. The ethics committee
7 27 may initiate a complaint on its own motion. Committee
7 28 complaints may be initiated by the committee as a
7 29 result of a committee investigation or as a result of
7 30 receipt of any complaint or other information that does



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8 1 not meet the requirements of these rules regarding the
8 2 form of a complaint but that contains allegations that
8 3 would form the basis for a valid complaint.

8 4 c. Form and contents of complaint. A complaint
8 5 shall be in writing.

8 6 Complaint forms shall be available from the chief
8 7 clerk of the house, but a complaint shall not be
8 8 rejected for failure to use the approved form if it
8 9 complies with the requirements of these rules. The
8 10 complaint shall contain a certification made by the
8 11 complainant, under penalty of perjury, that the facts
8 12 stated in the complaint are true to the best of the
8 13 complainant's knowledge.

8 14 To be valid, a complaint shall allege all of the
8 15 following:

8 16 (1) Facts, that if true, establish a violation of a
8 17 provision of chapter 68B of the Code, the house code of
8 18 ethics, or house rules governing lobbyists for which
8 19 penalties or other remedies are provided.

8 20 (2) That the conduct providing the basis for the
8 21 complaint occurred within three years of the filing of
8 22 the complaint.

8 23 (3) That the party charged with a violation is
8 24 a party subject to the jurisdiction of the ethics
8 25 committee.

8 26 d. Confidentiality of complaint. ~~The filing of the~~
~~8 27 complaint identity of the parties and the contents of~~
8 28 the complaint shall be confidential until the time that
8 29 the committee meets to determine whether the complaint
8 30 is valid, unless either the complainant or the party



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House Study Bill 15 continued

9 1 charged in the complaint makes the ~~existence~~ identity
9 2 of the parties, or the information contained in, the
9 3 complaint public. However, if either the complainant
9 4 or party alleged to have committed the violation
9 5 requests that the meeting to determine whether the
9 6 complaint is valid be a closed meeting and the ~~filing~~
~~9 7 identity of the complaint parties or the contents of~~
9 8 the complaint have not been disclosed, the meeting
9 9 shall be closed.

9 10 e. Notice of complaint. Upon receipt of the
9 11 complaint, the chief clerk of the house shall promptly
9 12 notify the chairperson and ranking member of the
9 13 ethics committee that a complaint has been filed and
9 14 provide both the chairperson and the ranking member
9 15 with copies of the complaint and any supporting
9 16 information. Within two working days, the chief clerk
9 17 shall send notice, either by personal delivery or by
9 18 certified mail, return receipt requested, to the person
9 19 or persons alleged to have committed the violation,
9 20 along with a copy of the complaint and any supporting
9 21 information. The notice to the accused person shall
9 22 contain a request that the person submit a written
9 23 response to the complaint within ten working days of
9 24 the date that the notice was sent by the chief clerk.
9 25 At the request of the accused person, the committee may
9 26 extend the time for the response, not to exceed ten
9 27 additional calendar days.

9 28 f. Hearing regarding validity of complaint. The
9 29 committee chairperson and the ranking member shall
9 30 review the complaint and supporting information to



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10 1 determine whether the complaint meets the requirements
10 2 as to form. If the complaint is deficient as to form,
10 3 the complaint shall be returned to the complainant
10 4 with instructions indicating the deficiency unless the
10 5 committee decides to proceed on its own motion. If the
10 6 complaint is in writing and contains the appropriate
10 7 certification, as soon as practicable, the chairperson
10 8 shall call a meeting of the committee to review the
10 9 complaint to determine whether the complaint meets the
10 10 requirements for validity and whether the committee
10 11 should take action on the complaint pursuant to
10 12 paragraph "g" or whether the committee should request
10 13 that the chief justice of the supreme court appoint an
10 14 independent special counsel to conduct an investigation
10 15 to determine whether probable cause exists to believe
10 16 that a violation of the house code of ethics, house
10 17 rules governing lobbyists, or chapter 68B of the Code,
10 18 has occurred.

10 19 If the committee finds that a complaint does not
10 20 meet the content requirements for a valid complaint,
10 21 the committee shall dismiss the complaint and notify
10 22 both the complainant and the party alleged to have
10 23 committed the violation of the dismissal and the
10 24 reasons for dismissal. A dismissal for failure to meet
10 25 the formal requirements for the filing of a complaint
10 26 shall be without prejudice and the complainant may
10 27 refile the complaint at any time within three years of
10 28 the date that the alleged violation took place. If
10 29 the dismissal is based upon a failure to allege facts
10 30 and circumstances necessary for a valid complaint, the



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11 1 dismissal shall be with prejudice and the party shall
11 2 not be permitted to file a complaint based upon the
11 3 same facts and circumstances.

11 4 g. If the committee determines a complaint is
11 5 valid and determines no dispute exists between the
11 6 parties regarding the material facts that establish
11 7 a violation, the committee may take action on the
11 8 complaint under this paragraph without requesting the
11 9 appointment of an independent special counsel.

11 10 The committee may do any of the following:

11 11 (1) Issue an admonishment to advise against the
11 12 conduct that formed the basis for the complaint and to
11 13 exercise care in the future.

11 14 (2) Issue an order to cease and desist the conduct
11 15 that formed the basis for the complaint.

11 16 (3) Make a recommendation to the house that
11 17 the person subject to the complaint be censured or
11 18 reprimanded.

11 19 h. Request for appointment of independent special
11 20 counsel. If, after review of the complaint and any
11 21 response made by the party alleged to have committed
11 22 the violation, the committee determines that the
11 23 complaint meets the requirements for form and content
11 24 and the committee has not taken action under paragraph
11 25 "g", the committee shall request that the chief justice
11 26 of the supreme court appoint independent special
11 27 counsel to investigate the matter and determine whether
11 28 probable cause exists to believe that a violation of
11 29 chapter 68B of the Code, the house code of ethics, or
11 30 the house rules governing lobbyists has occurred.



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12 1 i. Receipt of report of independent special
12 2 counsel. The report from the independent special
12 3 counsel regarding probable cause to proceed on a
12 4 complaint shall be filed with the chief clerk of the
12 5 house. Upon receipt of the report of the independent
12 6 special counsel, the chief clerk shall notify the
12 7 chairperson of the filing of the report and shall send
12 8 copies of the report to the members of the ethics
12 9 committee. As soon as practicable after the filing of
12 10 the report, the chairperson shall schedule a public
12 11 meeting for review of the report. The purpose of
12 12 the public meeting shall be to determine whether the
12 13 complaint should be dismissed, whether a formal hearing
12 14 should be held on the complaint, or whether other
12 15 committee action is appropriate. The complainant and
12 16 the person alleged to have committed the violation
12 17 shall be given notice of the public meeting, shall have
12 18 the right to be present at the public meeting, and may,
12 19 at the discretion of the committee, present testimony
12 20 in support of or against the recommendations contained
12 21 in the report.

12 22 If the committee determines that the matter should
12 23 be dismissed, the committee shall cause an order to
12 24 be entered dismissing the matter and notice of the
12 25 dismissal shall be given to the complainant and the
12 26 party alleged to have committed the violation. If
12 27 the committee determines that the complaint should be
12 28 scheduled for formal hearing, the committee shall issue
12 29 a charging statement which contains the charges and
12 30 supporting facts that are to be set for formal hearing



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13 1 and notice shall be sent to the complainant and the
13 2 accused person.
13 3 The notice shall include a statement of the nature
13 4 of the charge or charges, a statement of the time and
13 5 place of hearing, a short and plain statement of the
13 6 facts asserted, and a statement of the rights of the
13 7 accused person at the hearing.
13 8 j. Formal hearing. Formal hearings shall be public
13 9 and conducted in the manner provided in section 68B.31,
13 10 subsection 8 of the Code. At a formal hearing the
13 11 accused shall have the right to be present and to
13 12 be heard in person and by counsel, to cross-examine
13 13 witnesses, and to present evidence. Members of
13 14 the committee shall also have the right to question
13 15 witnesses.
13 16 The committee may require, by subpoena or otherwise,
13 17 the attendance and testimony of witnesses and the
13 18 production of such books, records, correspondence,
13 19 memoranda, papers, documents, and any other things it
13 20 deems necessary to the conduct of the inquiry.
13 21 Evidence at the formal hearing shall be received
13 22 in accordance with rules and procedures applicable to
13 23 contested cases under chapter 17A of the Code.
13 24 The committee chairperson, or the vice chairperson
13 25 or ranking member in the absence of the chairperson,
13 26 shall preside at the formal hearing and shall rule on
13 27 the admissibility of any evidence received. The ruling
13 28 of the chairperson may be overturned by a majority
13 29 vote of the committee. Independent special counsel
13 30 shall present the evidence in support of the charge



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14 1 or charges. The burden shall be on the independent
14 2 special counsel to prove the charge or charges by
14 3 a preponderance of clear and convincing evidence.
14 4 Upon completion of the formal hearing, the committee
14 5 shall adopt written findings of fact and conclusions
14 6 concerning the merits of the charges and make its
14 7 report and recommendation to the house.
14 8 k. Disqualification of member. Members of the
14 9 committee may disqualify themselves from participating
14 10 in any investigation of the conduct of another person
14 11 upon submission of a written statement that the member
14 12 cannot render an impartial and unbiased decision
14 13 in a case. A member may also be disqualified by a
14 14 unanimous vote of the remaining eligible members of the
14 15 committee.
14 16 A member of the committee is ineligible to
14 17 participate in committee meetings, as a member of the
14 18 committee, in any proceeding relating to the member's
14 19 own official conduct.
14 20 If a member of the committee is disqualified or
14 21 ineligible to act, the majority or minority leader who
14 22 appointed the member shall appoint a replacement member
14 23 to serve as a member of the committee during the period
14 24 of disqualification or ineligibility.
14 25 ~~*~~ 1. Recommendations by the committee. The
14 26 committee shall recommend to the house that the
14 27 complaint be dismissed, or that one or more of the
14 28 following be imposed:
14 29 (1) That the member or employee of the house
14 30 or lobbyist or client of a lobbyist be censured or



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15 1 reprimanded, and the recommended appropriate form of
15 2 censure or reprimand be used.
15 3 (2) That the member of the house be suspended or
15 4 expelled from membership in the house and required
15 5 to forfeit the member's salary for that period, the
15 6 employee of the house be suspended or dismissed from
15 7 employment, or that the lobbyist's or lobbyist's
15 8 client's lobbying privileges be suspended.
15 9 13. COMMUNICATIONS WITH ETHICS COMMITTEE. After a
15 10 complaint has been filed or an investigation has been
15 11 initiated, a party to the complaint or investigation
15 12 shall not communicate, or cause another to communicate,
15 13 as to the merits of the complaint or investigation with
15 14 a member of the committee, except under the following
15 15 circumstances:
15 16 a. During the course of any meetings or other
15 17 official proceedings of the committee regarding the
15 18 complaint or investigation.
15 19 b. In writing, if a copy of the writing is
15 20 delivered to the adverse party or the designated
15 21 representative for the adverse party.
15 22 c. Orally, if adequate prior notice of the
15 23 communication is given to the adverse party or the
15 24 designated representative for the adverse party.
15 25 d. As otherwise authorized by statute, the house
15 26 code of ethics, house rules governing lobbyists, or
15 27 vote of the committee.
15 28 14. PERMANENT RECORD. The chief clerk of the house
15 29 shall maintain a permanent record of all complaints
15 30 filed and any corresponding committee action. The



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16 1 permanent record shall be prepared by the ethics
16 2 committee and shall contain the date the complaint was
16 3 filed, name and address of the complainant, name and
16 4 address of the accused person, a brief statement of the
16 5 charges made, any evidence received by the committee,
16 6 any transcripts or recordings of committee action, and
16 7 ultimate disposition of the complaint. The chief clerk
16 8 shall keep each complaint confidential until public
16 9 disclosure is made by the ethics committee.
16 10 15. MEETING AUTHORIZATION. The house ethics
16 11 committee is authorized to meet at the discretion of
16 12 the committee chairperson in order to conduct hearings
16 13 and other business that properly may come before it.
16 14 If the committee submits a report seeking house action
16 15 against a member or employee of the house or lobbyist
16 16 after the second regular session of a general assembly
16 17 has adjourned sine die, the report shall be submitted
16 18 to and considered by the subsequent general assembly.
16 19 16. ADVISORY OPINIONS.
16 20 a. Requests for formal opinions. A request for a
16 21 formal advisory opinion may be filed by any person who
16 22 is subject to the authority of the ethics committee.
16 23 The ethics committee may also issue a formal advisory
16 24 opinion on its own motion, without having previously
16 25 received a formal request for an opinion, on any issue
16 26 that is within the jurisdiction of the committee.
16 27 Requests shall be filed with either the chief clerk of
16 28 the house or the chairperson of the ethics committee.
16 29 b. Form and contents of requests. A request for
16 30 a formal advisory opinion shall be in writing and



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17 1 may pertain to any subject matter that is related to
17 2 application of the house code of ethics, the house
17 3 rules governing lobbyists, or chapter 68B of the Code
17 4 to any person who is subject to the authority of
17 5 the ethics committee. Requests shall contain one or
17 6 more specific questions and shall relate either to
17 7 future conduct or be stated in the hypothetical. A
17 8 request for an advisory opinion shall not specifically
17 9 name any individual or contain any other specific
17 10 identifying information, unless the request relates
17 11 to the requester's own conduct. However, any request
17 12 may contain information which identifies the kind of
17 13 individual who may be affected by the subject matter
17 14 of the request. Examples of this latter kind of
17 15 identifying information may include references to
17 16 conduct of a category of individuals, such as but not
17 17 limited to conduct of legislators, legislative staff,
17 18 or lobbyists.

17 19 c. Confidentiality of formal requests and opinions.
17 20 Requests for formal opinions are not confidential and
17 21 any deliberations of the committee regarding a request
17 22 for a formal opinion shall be public. Opinions issued
17 23 in response to requests for formal opinions are not
17 24 confidential, shall be in writing, and shall be placed
17 25 on file in the office of the chief clerk of the house.
17 26 Persons requesting formal opinions shall personally
17 27 receive a copy of the written formal opinion that is
17 28 issued in response to the request.

17 29 17. PERSONAL FINANCIAL DISCLOSURE FORM. The
17 30 following form shall be used for disclosure of economic



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18 1 interests under these rules and section 68B.35 of the
18 2 Code:
18 3 STATEMENT OF ECONOMIC INTERESTS
18 4 Name: _____
18 5 (Last) (First) (Middle Initial)
18 6 Address: _____
18 7 (Street Address, Apt.#/P.O. Box)
18 8 _____
18 9 (City) (State) (Zip)
18 10 Phone: (Home) ____/____=(Business) ____/____=
18 11 *****
18 12 This form is due each year on or before February 15.
18 13 The reporting period is the most recently completed
18 14 calendar year.
18 15 In completing Division III of this form, if your
18 16 percentage of ownership of an asset is less than 100
18 17 percent, multiply your percentage of ownership by the
18 18 total revenue produced to determine if you have reached
18 19 the \$1,000 threshold.
18 20 Do not report income received by your spouse or
18 21 other family members.
18 22 In completing this form, if insufficient space is
18 23 provided for your answer, you may attach additional
18 24 information/answers on full-size sheets of paper.
18 25 Division I. Business, Occupation, Profession.
18 26 List each business, occupation, or profession in
18 27 which you are engaged, the nature of the business if
18 28 not evident, and your position or job title. No income
18 29 threshold or time requirement applies.
18 30 Examples:



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19 1 If you are employed by an individual, state the name
19 2 of the individual employer, the nature of the business,
19 3 and your position.

19 4 If you are self-employed and are not incorporated
19 5 or are not doing business under a particular business
19 6 name, state that you are self-employed, the nature of
19 7 the business, and your position.

19 8 If you own your own corporation, are employed by a
19 9 corporation, or are doing business under a particular
19 10 business name, state the name and nature of the
19 11 business or corporation and your position.

19 12 1 _____
19 13 2 _____
19 14 3 _____
19 15 4 _____
19 16 5 _____
19 17 6 _____

19 18 Division II. Commissions from Sales of Goods or
19 19 Services to Political Subdivisions.

19 20 This part is to be completed only by Legislators.
19 21 If you received income in the form of a commission
19 22 from the sale of goods or services to a political
19 23 subdivision, state the name of the purchasing political
19 24 subdivision. The amount of commission earned is not
19 25 required to be listed.

19 26 1 _____
19 27 2 _____
19 28 3 _____
19 29 4 _____
19 30 5 _____



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20 1 6 _____
20 2 Division III. Sources of Gross Income.
20 3 In each one of the following categories list each
20 4 source which produces more than \$1,000 in annual gross
20 5 income, if the revenue produced by the source was
20 6 subject to federal or state income taxes last year.
20 7 List the nature or type of each company, business,
20 8 financial institution, corporation, partnership, or
20 9 other entity which produces more than \$1,000 of annual
20 10 gross income. Neither the amount of income produced
20 11 nor value of the holding is required to be listed in
20 12 any of the items.
20 13 A. Securities: State the nature of the business of
20 14 any company in which you hold stock, bonds, or other
20 15 pecuniary interests that generate more than \$1,000 in
20 16 annual gross income. Income generated by multiple
20 17 holdings in a single company are deemed received from
20 18 a single source.
20 19 _____
20 20 _____
20 21 _____
20 22 _____
20 23 _____
20 24 _____
20 25 B. Instruments of Financial Institutions: State
20 26 the types of institutions in which you hold financial
20 27 instruments, such as certificates of deposit, savings
20 28 accounts, etc., that produce annual gross income in
20 29 excess of \$1,000, e.g., banks, savings and loans, or
20 30 credit unions.



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21 1 _____
21 2 _____
21 3 _____
21 4 _____
21 5 _____
21 6 _____
21 7 C. Trusts: State the nature or type of any trust
21 8 from which you receive more than \$1,000 of gross income
21 9 annually.
21 10 _____
21 11 _____
21 12 _____
21 13 _____
21 14 _____
21 15 _____
21 16 D. Real Estate: State the general nature of real
21 17 estate interests that generate more than \$1,000 of
21 18 gross income annually, e.g., residential leasehold
21 19 interest or farm leasehold interest. The size or
21 20 location of the property interest is not required to
21 21 be listed.
21 22 _____
21 23 _____
21 24 _____
21 25 _____
21 26 _____
21 27 _____
21 28 E. Retirement Systems: State the name of each
21 29 pension plan or other corporation or company that pays
21 30 you more than \$1,000 annually in retirement benefits.



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22	1	_____	
22	2	_____	
22	3	_____	
22	4	_____	
22	5	_____	
22	6	_____	
22	7	F. Other Income Categories Specified in State and	
22	8	Federal Income Tax Regulations.	
22	9	_____	
22	10	_____	
22	11	_____	
22	12	_____	
22	13	_____	
22	14	_____	
22	15	(Signature of Filer)	(Date)

LSB 1353HC (15) 84
tm/rj



Iowa General Assembly
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Senate Concurrent Resolution 1 - Introduced

PAG LIN

SENATE CONCURRENT RESOLUTION NO.

BY FEENSTRA

1 1 A Concurrent Resolution requesting the United States
1 2 Food and Drug Administration to rescind approval of
1 3 ulipristal acetate.
1 4 WHEREAS, the United States food and drug
1 5 administration approved ulipristal acetate, marketed
1 6 in the United States under the brand name "ella", on
1 7 August 13, 2010; and
1 8 WHEREAS, ella was approved as an emergency
1 9 contraceptive for use to reduce the risk of pregnancy
1 10 up to five days after unprotected intercourse or
1 11 contraceptive failure; and
1 12 WHEREAS, even though ella was approved only as an
1 13 emergency contraceptive, it has chemical similarities
1 14 to existing drugs such as mifepristone (RU=486), used
1 15 as abortifacients; and
1 16 WHEREAS, the potential for misuse of ella as an
1 17 abortifacient could result in unintended abortions and
1 18 put women's lives at risk; NOW THEREFORE,
1 19 BE IT RESOLVED BY THE SENATE, THE HOUSE OF
1 20 REPRESENTATIVES CONCURRING, That the Iowa General
1 21 Assembly requests that the United States food and drug
1 22 administration rescind its approval of ella based upon
1 23 its potential use as an abortifacient rather than for
1 24 its approved purpose as an emergency contraceptive; and
1 25 BE IT FURTHER RESOLVED, That a copy of this
1 26 resolution be sent to the office of the commissioner of
1 27 the United States food and drug administration and each
1 28 member of Iowa's congressional delegation.

LSB 1475SS (1) 84

pf/rj



Iowa General Assembly
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Senate File 36 - Introduced

SENATE FILE
BY HOGG

A BILL FOR

1 An Act relating to high school graduation requirements.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
 TLSB 1550XS (4) 84
 kh/sc



Iowa General Assembly
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Senate File 36 - Introduced continued

PAG LIN

1 1 Section 1. Section 256.7, subsection 26, paragraph a, Code
1 2 2011, is amended to read as follows:

1 3 a. Adopt rules that establish a core curriculum and
1 4 ~~requiring, beginning with the students in the 2010-2011 school~~
1 5 ~~year graduating class,~~ high school graduation requirements
1 6 for all students in school districts and accredited nonpublic
1 7 schools that include at a minimum satisfactory completion
1 8 of four years of English and language arts, three years of
1 9 mathematics, three years of science, and three years of social
1 10 studies.

1 11 (1) The rules establishing high school graduation
1 12 requirements shall authorize a school district or accredited
1 13 nonpublic school to consider that a middle school student who
1 14 satisfactorily completes a high school-level unit of English
1 15 or language arts, mathematics, science, or social studies has
1 16 satisfactorily completed one year of the high school graduation
1 17 requirements for that area as specified in this lettered
1 18 paragraph, and to authorize the school district or accredited
1 19 nonpublic school to issue high school credit for the unit to
1 20 the student.

1 21 (2) The rules establishing a core curriculum adopted
1 22 shall address the core content standards in subsection 28 and
1 23 the skills and knowledge students need to be successful in
1 24 the twenty-first century. The core curriculum shall include
1 25 social studies and twenty-first century learning skills which
1 26 include but are not limited to civic literacy, health literacy,
1 27 technology literacy, financial literacy, and employability
1 28 skills; and shall address the curricular needs of students
1 29 in kindergarten through grade twelve in those areas. The
1 30 department shall further define the twenty-first century
1 31 learning skills components by rule.

1 32 EXPLANATION

1 33 This bill directs the state board of education to modify
1 34 its rules relating to high school graduation requirements for
1 35 all students of four years of English and language arts, three



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Senate File 36 - Introduced continued

2 1 years of mathematics, three years of science, and three years
2 2 of social studies, to allow a school district or an accredited
2 3 nonpublic school to consider that a middle school student who
2 4 satisfactorily completes a high school-level unit in one of
2 5 those areas to have satisfactorily completed one year of the
2 6 high school graduation requirements for that area and to be
2 7 issued high school credit for the unit.

LSB 1550XS (4) 84

kh/sc



Iowa General Assembly
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Senate File 37 - Introduced

SENATE FILE
BY JOHNSON, KAPUCIAN, and
KETTERING

A BILL FOR

1 An Act relating to early school starts and including effective
2 date and applicability provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1544SS (4) 84
kh/rj



Iowa General Assembly
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January 18, 2011

Senate File 37 - Introduced continued

PAG LIN

1 1 Section 1. Section 257.17, Code 2011, is amended to read as
1 2 follows:
1 3 257.17 Aid reduction for early school starts.
1 4 State aid payments made pursuant to section 257.16 for a
1 5 fiscal year shall be reduced by one one=hundred=eightieth for
1 6 each day of that fiscal year for which the school district
1 7 begins school before the earliest starting date specified in
1 8 section 279.10, subsection 1. However, this section does
1 9 not apply to a school district that has received approval
1 10 from ~~the director of~~ the department of education ~~under~~ for a
1 11 pilot program for an innovative school year in accordance with
1 12 section 279.10, ~~subsection 4, to commence classes for regularly~~
~~1 13 established elementary and secondary schools in advance of the~~
~~1 14 starting date established in section 279.10, subsection 4 3.~~
1 15 Sec. 2. Section 279.10, subsection 1, Code 2011, is amended
1 16 to read as follows:
1 17 1. The school year shall begin on the first day of July
1 18 and each regularly established elementary and secondary school
1 19 shall begin no sooner than ~~a day during the calendar week in~~
~~1 20 which the first day of September falls~~ August 25 but no later
1 21 than the first Monday in December unless ~~the school district~~
1 22 ~~has received approval from the department of education for a~~
1 23 ~~pilot program in accordance with subsection 3. However, if the~~
~~1 24 first day of September falls on a Sunday, school may begin on~~
~~1 25 a day during the calendar week which immediately precedes the~~
~~1 26 first day of September.~~ School shall continue for at least one
1 27 hundred eighty days, except as provided in subsection 3, and
1 28 may be maintained during the entire calendar year. However,
1 29 if the board of directors of a district extends the school
1 30 calendar because inclement weather caused the district to
1 31 temporarily close school during the regular school calendar,
1 32 the district may excuse a graduating senior who has met
1 33 district or school requirements for graduation from attendance
1 34 during the extended school calendar. A school corporation
1 35 may begin employment of personnel for in=service training and



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Senate File 37 - Introduced continued

2 1 development purposes before the date to begin elementary and
2 2 secondary school.
2 3 Sec. 3. Section 279.10, subsection 2, Code 2011, is amended
2 4 to read as follows:

2 5 2. The board of directors shall hold a public hearing on
2 6 any ~~proposal~~ request made pursuant to subsection 3 prior to
2 7 submitting it to the department of education for approval.

2 8 Sec. 4. Section 279.10, subsection 4, Code 2011, is amended
2 9 by striking the subsection.

2 10 Sec. 5. EFFECTIVE DATES. The section of this Act that
2 11 amends section 279.10, subsection 2, being deemed of immediate
2 12 importance, takes effect upon enactment, and the remainder of
2 13 this Act takes effect July 1, 2012, and is applicable for
2 14 school years beginning on or after that date.

2 15 EXPLANATION

2 16 This bill changes, effective for the school year beginning
2 17 July 1, 2012, the earliest school start date to August 25 and
2 18 eliminates the authority of the director of the department of
2 19 education to grant a request made by a board of directors of
2 20 a school district to commence classes prior to the earliest
2 21 starting date allowed, which currently is no sooner than a day
2 22 during the calendar week in which the first day of September
2 23 falls or, if the first day of September falls on a Sunday, a day
2 24 during the prior week.

2 25 The bill makes a conforming change to eliminate an
2 26 exemption from aid reduction for early school starts, unless
2 27 the exemption is for a school district approved to implement
2 28 an innovative school year. Without the waiver, the school
2 29 district's state aid payments are reduced by 1/180 for each day
2 30 of that fiscal year for which the school district begins school
2 31 before the earliest starting date allowed. The bill includes a
2 32 technical correction that takes effect upon enactment.

LSB 1544SS (4) 84

kh/rj



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Senate File 38 - Introduced

SENATE FILE

BY JOHNSON, SORENSON,
FEENSTRA, ANDERSON,
ZAUN, BOETTGER,
SEYMOUR, and BEHN

A BILL FOR

1 An Act relating to the use of federal health care reform
2 funding for abortions, and including effective date
3 provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSE 1089SS (2) 84
pf/nh



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1 1 Section 1. FEDERAL HEALTH CARE REFORM MEASURES ==
1 2 PROHIBITION OF FUNDING FOR ABORTIONS.
1 3 1. The use of funds appropriated under or appropriated
1 4 to any trust fund pursuant to the federal Patient Protection
1 5 and Affordable Care Act, the federal Health Care and Education
1 6 Reconciliation Act of 2010, or any successor legislation, shall
1 7 be restricted in this state as follows:
1 8 a. Such funds shall not be expended for any abortion in this
1 9 state.
1 10 b. Such funds shall not be expended for health insurance
1 11 coverage, health benefits, or health services that include
1 12 coverage for abortion, provided through a contract or other
1 13 arrangement with a carrier as defined in section 513B.2.
1 14 2. The restrictions of this section shall not apply to the
1 15 use of such funds for an abortion if the woman suffers from
1 16 a physical disorder, physical injury, or physical illness,
1 17 including a life=endangering physical condition caused by or
1 18 arising from the pregnancy itself, that would, as certified
1 19 by a physician, place the woman in danger of death unless an
1 20 abortion is performed.
1 21 Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
1 22 immediate importance, takes effect upon enactment.
1 23 EXPLANATION
1 24 This bill restricts the use of funds appropriated under
1 25 or appropriated to any trust fund pursuant to federal health
1 26 care reform legislation for use in this state, by prohibiting
1 27 expenditure of such funds for an abortion in the state and for
1 28 health insurance coverage, health benefits, or health services
1 29 that include coverage for abortion, provided by a carrier. The
1 30 restrictions do not apply, however, if the woman suffers from
1 31 a physical disorder, physical injury, or physical illness,
1 32 including a life=endangering physical condition caused by or
1 33 arising from the pregnancy itself, that would, as certified
1 34 by a physician, place the woman in danger of death unless an
1 35 abortion is performed.



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2 1 The bill takes effect upon enactment.
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Iowa General Assembly
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Senate File 39 - Introduced

SENATE FILE

BY JOHNSON, SORENSON,
FEENSTRA, BEHN,
ANDERSON, ZAUN,
BOETTGER, and SEYMOUR

A BILL FOR

1 An Act relating to informed consent to an abortion and
2 providing a criminal penalty, and providing effective dates.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1168SS (4) 84
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Senate File 39 - Introduced continued

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1 1 Section 1. NEW SECTION. 146A.1 Title.
1 2 This chapter shall be known and may be cited as the "Woman's
1 3 Right to Know Act".
1 4 Sec. 2. NEW SECTION. 146A.2 Definitions.
1 5 As used in this chapter, unless the context otherwise
1 6 requires:
1 7 1. "Abortion" means abortion as defined in section 146.1.
1 8 2. "Attempt to perform an unlawful abortion" means an act,
1 9 or an omission of an act required by law, that constitutes a
1 10 substantial step in a course of conduct intended to culminate
1 11 in the performance of an abortion in violation of this chapter.
1 12 3. "Department" means the department of public health.
1 13 4. "Medical emergency" means any condition which, on
1 14 the basis of a physician's good faith clinical judgment,
1 15 so complicates the medical condition of a pregnant woman
1 16 as to necessitate the immediate performance of an abortion
1 17 to avert the pregnant woman's death, or to necessitate the
1 18 immediate performance of an abortion to avert a serious risk
1 19 of substantial and irreversible impairment of a major bodily
1 20 function if the performance of the abortion is delayed.
1 21 5. "Physician" means a person licensed to practice medicine
1 22 and surgery or osteopathic medicine and surgery pursuant to
1 23 chapter 148.
1 24 Sec. 3. NEW SECTION. 146A.3 Voluntary and informed consent.
1 25 1. An abortion shall not be performed in this state without
1 26 the voluntary and informed consent of the woman upon whom the
1 27 abortion is to be performed. Except in the case of a medical
1 28 emergency, consent to an abortion is voluntary and informed
1 29 only if the requirements of this section are met.
1 30 2. The referring physician, the physician who will perform
1 31 the abortion, or an agent of either physician shall provide
1 32 all of the following information to the woman by telephone,
1 33 by audiotape, or in person, at the time the woman initially
1 34 contacts the physician's private office or a facility
1 35 that provides abortions to inquire about or to schedule an



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2 1 appointment for an abortion:
2 2 a. Information that medical assistance benefits may be
2 3 available to the woman for prenatal care, childbirth, and
2 4 neonatal care.
2 5 b. Information that the putative father is liable to assist
2 6 in the support of the child and that efforts to collect support
2 7 may result in, but are not guaranteed to result in, financial
2 8 support of the child, even if the putative father has offered
2 9 to pay for the abortion.
2 10 c. Information that the woman has the right to review the
2 11 printed materials described in subsection 3.
2 12 d. Information that the woman has the right to have an
2 13 opportunity to receive and view an active ultrasound of
2 14 the fetus at least twenty-four hours before an abortion is
2 15 performed.
2 16 3. a. After being informed of the woman's right to review
2 17 printed materials pursuant to subsection 2, if the woman wishes
2 18 to review the materials, all of the following shall apply:
2 19 (1) If the department establishes an internet site, the
2 20 woman shall be informed that the materials are available
2 21 through a state-sponsored internet site and shall be informed
2 22 of the internet site address.
2 23 (2) If the woman initially contacts the physician's private
2 24 office or a facility that provides abortions in person, the
2 25 materials shall be provided to the woman at that time.
2 26 (3) If the woman initially contacts the physician's private
2 27 office or a facility that provides abortions by telephone and
2 28 wishes to review the materials, the materials shall be mailed
2 29 to the woman by regular mail or by restricted certified mail,
2 30 as defined in section 618.15, as requested by the woman.
2 31 (4) The woman shall be informed that the materials have been
2 32 provided by the state and that they describe the fetus and list
2 33 agencies that offer alternatives to abortion.
2 34 b. The printed materials shall include all of the following:
2 35 (1) Geographically indexed materials designed to inform



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3 1 the woman of public and private agencies and services
3 2 available to assist a woman through pregnancy, at the time
3 3 of childbirth, and while the child is dependent, including
3 4 adoption agencies. The materials shall include a comprehensive
3 5 list of the agencies available, categorized by the type of
3 6 services offered, and a description of the manner, including
3 7 telephone numbers, in which the agencies may be contacted. The
3 8 department may also provide a toll-free, twenty-four-hour-a-day
3 9 telephone number which may be called to obtain, orally, a list
3 10 and description of agencies in the locality of the caller and
3 11 of the services offered.

3 12 (2) Materials that encourage consideration of placement for
3 13 adoption. The materials shall inform the woman of the benefits
3 14 of adoption, including the requirements of confidentiality in
3 15 the adoption process, the importance of adoption to individuals
3 16 and society, and the state's interest in promoting adoption by
3 17 preferring childbirth over abortion.

3 18 (3) Materials designed to inform the woman of the probable
3 19 anatomical and physiological characteristics of the fetus
3 20 at two-week gestational increments from the time that it is
3 21 medically possible to make a determination of pregnancy to full
3 22 term. The materials shall include any relevant information
3 23 regarding the possibility of the survival of the fetus and
3 24 pictures or drawings representing the development of the fetus
3 25 at two-week gestational increments, provided that any pictures
3 26 or drawings shall contain the dimensions of the fetus and
3 27 shall be realistic and appropriate for the state of pregnancy
3 28 depicted. The materials shall be objective, nonjudgmental, and
3 29 designed to convey only accurate scientific information about
3 30 the fetus at various gestational stages. The materials shall
3 31 also contain objective information describing the methods of
3 32 abortion procedures commonly used, the medical risks commonly
3 33 associated with each such procedure, the possible detrimental
3 34 psychological effects of abortion, and the medical risks
3 35 commonly associated with carrying a fetus to term.



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4 1 4. A physician shall not perform an abortion on a woman
4 2 unless both of the following conditions are met:
4 3 a. The physician obtains written certification that the
4 4 information required pursuant to subsection 2 was provided
4 5 to the woman. The physician shall retain a copy of the
4 6 certification and shall provide a copy of the certification to
4 7 the woman.
4 8 b. The physician certifies that the woman has been offered
4 9 an opportunity to receive and view an active ultrasound of
4 10 the fetus. The offer and opportunity to receive and view an
4 11 ultrasound shall occur at least twenty-four hours before the
4 12 abortion is scheduled to be performed. In order to comply
4 13 with this requirement, the active ultrasound image must be
4 14 of a quality consistent with standard medical practice in
4 15 the community, must contain the dimensions of the fetus, and
4 16 must accurately portray the presence of external members
4 17 and internal organs, including the heartbeat, if present or
4 18 viewable, of the fetus. The auscultation of the fetal heart
4 19 tone also must be of a quality consistent with standard medical
4 20 practice in the community. The physician shall document the
4 21 woman's response to the offer, including the date and time of
4 22 the offer and the woman's signature attesting to the woman's
4 23 informed decision.
4 24 5. a. By October 1, 2011, the department shall cause
4 25 the information described in subsection 3 to be published in
4 26 printed format. The information shall be provided in an easily
4 27 comprehensible manner. The information shall be published in
4 28 a typeface large enough to be clearly legible. The printed
4 29 information shall be available from the department at no cost,
4 30 upon request, and in an appropriate number, to any person.
4 31 b. The department may establish and maintain an internet
4 32 site to provide the information described in subsection 3. The
4 33 internet site shall provide for confidentiality of individuals
4 34 who access the site and no information identifying the
4 35 individual shall be collected or maintained. The department



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5 1 shall monitor the internet site to ensure that the site is
5 2 secure and to prevent and correct any tampering with the site.
5 3 Sec. 4. NEW SECTION. 146A.4 Procedure in case of medical
5 4 emergency.
5 5 If a medical emergency necessitates the performance of
5 6 an abortion, the physician shall inform the woman, prior to
5 7 the performance of the abortion, if possible, of the medical
5 8 indications supporting the physician's judgment that the
5 9 immediate performance of an abortion is necessary to avert the
5 10 woman's death or that a delay in the performance of an abortion
5 11 will create a serious risk of substantial and irreversible
5 12 impairment of a major bodily function.
5 13 Sec. 5. NEW SECTION. 146A.5 Criminal penalties.
5 14 1. A person who knowingly or recklessly performs or attempts
5 15 to perform an abortion in violation of this chapter is guilty
5 16 of a simple misdemeanor.
5 17 2. A criminal penalty shall not be imposed under this
5 18 chapter on a woman upon whom an abortion is performed or
5 19 attempted to be performed. A criminal penalty shall not be
5 20 imposed for failure of a woman to comply with the requirement
5 21 of written certification pursuant to section 146A.3, if the
5 22 department has not made the information available at the time
5 23 the physician or the physician's agent is required to inform
5 24 the woman of the woman's right to review the information.
5 25 Sec. 6. NEW SECTION. 146A.6 Protection of privacy in court
5 26 proceedings == penalty.
5 27 1. In every criminal proceeding brought pursuant to this
5 28 chapter, the court proceedings shall be conducted in a manner
5 29 which protects the confidentiality of the woman, and all
5 30 court documents pertaining to the proceedings shall remain
5 31 confidential and shall be sealed. The court shall direct the
5 32 exclusion of individuals from courtrooms or hearing rooms to
5 33 the extent necessary to safeguard the woman's identity from
5 34 public disclosure.
5 35 2. This section shall not be construed to conceal the



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6 1 identity of witnesses from the defendant.

6 2 3. A person who knowingly violates the confidentiality
6 3 requirements of this section relating to court proceedings and
6 4 documents is guilty of a simple misdemeanor.

6 5 Sec. 7. Effective dates.

6 6 1. The provisions of this Act requiring the department
6 7 of public health to publish information described in section
6 8 146A.3, subsection 3, as enacted in this Act, by October 1,
6 9 2011, being deemed of immediate importance, take effect upon
6 10 enactment.

6 11 2. The remainder of this Act takes effect October 1, 2011.

6 12 EXPLANATION

6 13 This bill establishes new Code chapter 146A, relating to
6 14 informed consent prior to an abortion. The Code chapter is
6 15 known and cited as the "Woman's Right to Know Act".

6 16 The bill specifies the required informed consent provisions,
6 17 including provision of certain information to a woman by
6 18 the physician or an agent of the physician, and required
6 19 certification by the woman of provision to the woman of the
6 20 required information, receipt of the certification by the
6 21 physician prior to the performance of an abortion, and receipt
6 22 of documentation by the physician regarding the offering of an
6 23 active ultrasound, prior to the performance of an abortion.
6 24 The bill requires the department of public health to publish
6 25 information by October 1, 2011, relating to options for
6 26 managing a pregnancy. The bill authorizes the department
6 27 to establish and maintain an internet site to provide the
6 28 information.

6 29 The bill also provides for alternatives to providing
6 30 informed consent in the case of a medical emergency.

6 31 The bill establishes a criminal penalty of a simple
6 32 misdemeanor for a person who knowingly or recklessly performs
6 33 or attempts to perform an abortion in violation of the new
6 34 Code chapter. The bill prohibits the imposition of a criminal
6 35 penalty against a woman upon whom an abortion is performed



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7 1 or attempted to be performed, and prohibits the imposition
7 2 of a criminal penalty against a woman for failure to comply
7 3 with certification requirements if the department has not made
7 4 the printed materials available as required. The bill also
7 5 provides for protection of confidentiality of a woman relative
7 6 to criminal court proceedings with regard to an action under
7 7 the new Code chapter.
7 8 The provisions relating to the department of public health
7 9 publishing information as prescribed in the bill take effect
7 10 upon enactment. The remainder of the bill takes effect October
7 11 1, 2011.

LSB 1168SS (4) 84

pf/rj



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Senate File 40 - Introduced

SENATE FILE

BY JOHNSON, SORENSON,
FEENSTRA, ANDERSON,
ZAUN, BOETTGER,
SEYMOUR, and BEHN

A BILL FOR

1 An Act relating to the definition and regulation of outpatient
2 surgical facilities or ambulatory surgical centers and
3 providing for fees.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1114XS (6) 84
pf/nh



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1 1 Section 1. Section 135.61, subsection 21, Code 2011, is
1 2 amended to read as follows:

1 3 21. "Outpatient surgical facility" means ~~a~~ any of the
1 4 following:

1 5 a. A facility which as its primary function provides,
1 6 through an organized medical staff and on an outpatient basis
1 7 to patients who are generally ambulatory, surgical procedures
1 8 not ordinarily performed in a private physician's office, but
1 9 not requiring twenty-four hour hospitalization, and which is
1 10 ~~neither~~ not a part of a hospital nor is owned wholly or in part
1 11 by a hospital. "Outpatient surgical facility" also does not
1 12 include the private office of a health care provider who there
1 13 engages in the lawful practice of surgery. "Outpatient surgical
1 14 facility" includes a

1 15 b. A facility certified or seeking certification as an
1 16 ambulatory surgical center, under the federal Medicare program
1 17 or under the medical assistance program established pursuant to
1 18 chapter 249A.

1 19 c. A facility that provides for the performing or inducing
1 20 of any second or third trimester abortions or five or more
1 21 first trimester abortions per month.

1 22 Sec. 2. NEW SECTION. 135P.1 Definitions.

1 23 As used in this chapter, unless the context otherwise
1 24 requires:

1 25 1. "Ambulatory surgical center" means an outpatient surgical
1 26 facility as defined in section 135.61 or an ambulatory surgical
1 27 facility as defined in section 514.5.

1 28 2. "Department" means the department of inspections and
1 29 appeals.

1 30 Sec. 3. NEW SECTION. 135P.2 Licenses == fees == criteria.

1 31 1. A person shall not operate an ambulatory surgical center
1 32 in this state without first obtaining a license from the
1 33 department after meeting the requirements of this chapter. The
1 34 application shall be on a form prescribed by the department and
1 35 shall require information the department deems necessary. Each



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2 1 application for license shall be accompanied by a nonrefundable
2 2 biennial license fee determined by the department.

2 3 2. The ambulatory surgical center shall meet the
2 4 requirements of 42 C.F.R. { 416 before a license is issued.
2 5 The department shall provide the necessary personnel to inspect
2 6 the ambulatory surgical center to determine if the ambulatory
2 7 surgical center complies with necessary requirements before
2 8 a license is issued. An ambulatory surgical center that is
2 9 certified under the federal Medicare program and thereby meets
2 10 the requirements of 42 C.F.R. { 416 shall be licensed without
2 11 inspection by the department.

2 12 Sec. 4. NEW SECTION. 135P.3 Denial, suspension, or
2 13 revocation of license.

2 14 The department may deny, suspend, or revoke a license if
2 15 the department determines an ambulatory surgical center fails
2 16 to comply with this chapter or the rules adopted under this
2 17 chapter. A denial, suspension, or revocation may be appealed
2 18 under chapter 17A. The department may reissue a license
2 19 following a suspension or revocation after the ambulatory
2 20 surgical center corrects the conditions upon which the
2 21 suspension or revocation was based.

2 22 Sec. 5. NEW SECTION. 135P.4 Limitation, expiration, and
2 23 renewal of license.

2 24 A license for an ambulatory surgical center shall be issued
2 25 only for the premises, person, or facility named in the
2 26 application and is not transferable or assignable. A license,
2 27 unless sooner suspended or revoked, shall expire two years
2 28 after the date of issuance and shall be renewed biennially
2 29 upon an application by the licensee. Application for renewal
2 30 shall be made in writing to the department at least thirty days
2 31 prior to the expiration of the license. The fee for a license
2 32 renewal shall be determined by the department.

2 33 Sec. 6. NEW SECTION. 135P.5 Rules.

2 34 Except as otherwise provided in this chapter, the department
2 35 shall adopt rules pursuant to chapter 17A necessary to



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3 1 implement this chapter, subject to approval of the state board
3 2 of health. Formulation of the rules shall include consultation
3 3 with persons affected by this chapter.

3 4 Sec. 7. Section 514.5, Code 2011, is amended to read as
3 5 follows:

3 6 514.5 Contracts for service.

3 7 1. A hospital service corporation organized under
3 8 chapter 504, Code 1989, or current chapter 504 may enter
3 9 into contracts for the rendering of hospital service to any
3 10 of its subscribers with hospitals maintained and operated by
3 11 the state or any of its political subdivisions, or by any
3 12 corporation, association, or individual. Such hospital service
3 13 corporation may also contract with an ambulatory surgical
3 14 facility to provide surgical services to the corporation's
3 15 subscribers. Hospital service is meant to include bed and
3 16 board, general nursing care, use of the operating room, use of
3 17 the delivery room, ordinary medications and dressings and other
3 18 customary routine care. "Ambulatory surgical facility" means
3 19 a facility constructed and operated for the specific purpose
3 20 of providing surgery to patients admitted to and discharged
3 21 from the facility within the same day or an "outpatient surgical
3 22 facility" as defined in section 135.61.

3 23 2. A medical service corporation organized under this
3 24 chapter may enter into contracts with subscribers to furnish
3 25 health care service through physicians and surgeons, dentists,
3 26 podiatric physicians, osteopathic physicians, osteopathic
3 27 physicians and surgeons, or chiropractors.

3 28 3. Any pharmaceutical or optometric service corporation
3 29 organized under the provisions of said chapter may enter
3 30 into contracts for the rendering of pharmaceutical or
3 31 optometric service to any of its subscribers. Membership in
3 32 any pharmaceutical service corporation shall be open to all
3 33 pharmacies licensed under chapter 155A.

3 34 4. A hospital service corporation or medical service
3 35 corporation organized under this chapter may enter into



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4 1 contracts with subscribers and providers to furnish health care
4 2 services not otherwise allocated by this section.

4 3 EXPLANATION

4 4 This bill defines an outpatient surgical facility or
4 5 ambulatory surgical center to include any facility that
4 6 provides for performing or inducing any second or third
4 7 trimester abortions or five or more first trimester abortions
4 8 per month, thereby making these establishments subject
4 9 to certificate of need requirements and other regulatory
4 10 provisions to which outpatient surgical facilities or
4 11 ambulatory surgical centers are subject. The bill also amends
4 12 the definition of an outpatient surgical facility to exclude
4 13 facilities that are owned wholly or in part by a hospital.

4 14 The bill also requires that ambulatory surgical centers be
4 15 licensed and meet the requirements of the centers for Medicare
4 16 and Medicaid services of the United States department of health
4 17 and human services for ambulatory surgical centers.

LSB 1114XS (6) 84

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Senate File 41 - Introduced

SENATE FILE

BY JOHNSON, SORENSON,
FEENSTRA, ANDERSON,
ZAUN, BOETTGER,
SEYMOUR, and BEHN

A BILL FOR

1 An Act relating to protocol for medically induced abortions,
2 and providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1169SS (7) 84
pf/nh



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1 1 Section 1. NEW SECTION. 146A.1 Medically induced abortion ==
1 2 protocol == penalties.
1 3 1. A person shall not knowingly give, sell, dispense,
1 4 administer, otherwise provide, or prescribe mifepristone to
1 5 another person for the purpose of inducing an abortion in the
1 6 person or enabling the other person to induce an abortion
1 7 in another person, unless the person who gives, sells,
1 8 dispenses, administers, or otherwise provides or prescribes the
1 9 mifepristone meets all of the following requirements:
1 10 a. Is a licensed physician.
1 11 b. The physician satisfies all the criteria established by
1 12 federal law that a physician must satisfy in order to provide
1 13 mifepristone for inducing abortions.
1 14 c. The physician provides the mifepristone to the other
1 15 person for the purpose of inducing an abortion in accordance
1 16 with all provisions of federal law that govern the use of
1 17 mifepristone for inducing abortions.
1 18 2. A person who gives, sells, dispenses, administers,
1 19 otherwise provides, or prescribes mifepristone to another
1 20 person as described in subsection 1 shall not be prosecuted
1 21 based on a violation of the criteria contained in this section
1 22 unless the person knows that the person is not a licensed
1 23 physician, that the person did not satisfy all the specified
1 24 criteria established by federal law, or that the person did
1 25 not provide the mifepristone in accordance with the specified
1 26 provisions of federal law, whichever is applicable.
1 27 3. A physician who provides mifepristone to another for
1 28 the purpose of inducing an abortion as authorized under
1 29 subsection 1 shall not knowingly fail to comply with the
1 30 applicable requirements of any federal law that pertain to
1 31 follow-up examinations or care for persons to whom or for
1 32 whom mifepristone is provided for the purpose of inducing an
1 33 abortion.
1 34 4. a. If a physician provides mifepristone to another
1 35 person for the purpose of inducing an abortion as authorized



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2 1 under subsection 1, and the physician knows that the person who
2 2 uses the mifepristone for the purpose of inducing an abortion
2 3 experiences during or after the use an incomplete abortion,
2 4 severe bleeding, or an adverse reaction to the mifepristone,
2 5 or is hospitalized, receives a transfusion, or experiences any
2 6 other serious event, the physician shall provide a written
2 7 report of the incomplete abortion, severe bleeding, adverse
2 8 reaction, hospitalization, transfusion, or serious event to
2 9 the department. The department shall compile and retain all
2 10 reports the department receives under this section. Except as
2 11 otherwise provided in this section, all reports the department
2 12 receives under this section are public records. However, the
2 13 department shall not release to any person the name or any
2 14 other personal identifying information regarding a person who
2 15 uses mifepristone for the purpose of inducing an abortion and
2 16 who is the subject of a report the department receives under
2 17 this section.

2 18 b. A physician who provides mifepristone to another for the
2 19 purpose of inducing an abortion as authorized under subsection
2 20 1 shall not knowingly fail to file a report required under
2 21 paragraph "a".

2 22 5. A physician shall only diagnose and prescribe a medically
2 23 induced abortion in person, and shall not utilize other means,
2 24 such as an internet web camera, to do so.

2 25 6. If a physician prescribes mifepristone after the
2 26 gestational limit of forty-nine days recommended by the United
2 27 States food and drug administration, the physician shall ensure
2 28 that the woman has access to emergency care that is available
2 29 twenty-four hours per day, seven days per week, and shall
2 30 report any emergency care provided from complications arising
2 31 from such prescription to the department.

2 32 7. a. A person who violates this section is guilty of a
2 33 class "D" felony.

2 34 b. If a person who violates this section is professionally
2 35 licensed in this state, in addition to any other sanction



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3 1 imposed by law for the offense, the person is subject to
3 2 sanctioning as provided by law by the regulatory or licensing
3 3 board or agency that has the administrative authority to
3 4 suspend or revoke the person's professional license.

3 5 8. As used in this section, unless the context otherwise
3 6 requires:

3 7 a. "Department" means the department of public health.

3 8 b. "Federal law" means any law, rule, or regulation of the
3 9 United States or any drug approval letter of the food and drug
3 10 administration of the United States that governs or regulates
3 11 the use of mifepristone for the purpose of inducing abortions.

3 12 EXPLANATION

3 13 This bill provides protocol related to medically induced
3 14 abortions.

3 15 The bill prohibits a person from knowingly giving, selling,
3 16 dispensing, administering, or otherwise providing, or
3 17 prescribing mifepristone to another person for the purpose
3 18 of inducing an abortion in the person or enabling the other
3 19 person to induce an abortion in another person, unless the
3 20 person who gives, sells, dispenses, administers, or otherwise
3 21 provides or prescribes the mifepristone meets all of the
3 22 following requirements: is a licensed physician; satisfies
3 23 all the criteria established by federal law that a physician
3 24 must satisfy in order to provide mifepristone for inducing
3 25 abortions; and provides the mifepristone to the other person
3 26 for the purpose of inducing an abortion in accordance with all
3 27 provisions of federal law that govern the use of mifepristone
3 28 for inducing abortions. However, the bill provides that a
3 29 person who gives, sells, dispenses, administers, otherwise
3 30 provides, or prescribes mifepristone to another person
3 31 shall not be prosecuted based on a violation of the criteria
3 32 specified unless the person knows that the person is not
3 33 a licensed physician, that the person did not satisfy all
3 34 the specified criteria established by federal law, or that
3 35 the person did not provide the mifepristone in accordance



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4 1 with the specified provisions of federal law, whichever is
4 2 applicable. The bill also provides that a physician who
4 3 provides mifepristone to another for the purpose of inducing
4 4 an abortion shall not knowingly fail to comply with the
4 5 applicable requirements of any federal law that pertain to
4 6 follow-up examinations or care for persons to whom or for
4 7 whom mifepristone is provided for the purpose of inducing an
4 8 abortion.

4 9 If a physician provides mifepristone to induce an
4 10 abortion, and if the physician knows that the person who uses
4 11 the mifepristone for the purpose of inducing an abortion
4 12 experiences during or after the use an incomplete abortion,
4 13 severe bleeding, or an adverse reaction to the mifepristone or
4 14 is hospitalized, receives a transfusion, or experiences any
4 15 other serious event, the physician is required to provide a
4 16 written report of the incomplete abortion of such result to
4 17 the department of public health. The department is directed
4 18 to compile and retain all reports the department receives, and
4 19 such reports, unless otherwise provided, are public records.
4 20 However, the department is prohibited from releasing the name
4 21 or any other personal identifying information regarding a
4 22 person who uses mifepristone for the purpose of inducing an
4 23 abortion and who is the subject of a report the department
4 24 receives. A physician who provides mifepristone to another
4 25 for the purpose of inducing an abortion is prohibited from
4 26 knowingly failing to file such a report.

4 27 The bill requires that a physician only prescribe a
4 28 medically induced abortion in person, and not utilize other
4 29 means, such as an internet web camera, to do so. Additionally,
4 30 if a physician prescribes mifepristone after the United States
4 31 food and drug administration recommended 49 days of pregnancy,
4 32 the physician shall ensure that the woman has access to
4 33 emergency care that is available 24 hours per day, seven days
4 34 per week, and shall report any emergency care provided from
4 35 complications arising from such prescription to the department.



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5 1 A person who violates a provision of the bill is guilty
5 2 of a class "D" felony. A class "D" felony is punishable by
5 3 confinement for no more than five years and a fine of at least
5 4 \$750 but not more than \$7,500. Additionally, if a person
5 5 who violates the provisions of the bill is professionally
5 6 licensed, the person is subject to sanctioning as provided by
5 7 law by the regulatory or licensing board or agency that has
5 8 the administrative authority to suspend or revoke the person's
5 9 professional license.

LSB 1169SS (7) 84

pf/nh



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Senate File 42 - Introduced

SENATE FILE

BY JOHNSON, FEENSTRA,
ANDERSON, ZAUN, BEHN,
BOETTGER, and SEYMOUR

A BILL FOR

1 An Act relating to abortions including prohibiting late-term
2 abortions with certain exceptions, providing penalties, and
3 including an effective date provision.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1155XS (2) 84
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1 1 Section 1. FINDINGS. The general assembly finds all of the
1 2 following:

1 3 1. Abortion can cause serious short-term and long-term
1 4 physical and psychological complications for women including
1 5 but not limited to uterine perforation, uterine scarring,
1 6 cervical perforation or other injury, infection, bleeding,
1 7 hemorrhage, blood clots, failure to actually terminate the
1 8 pregnancy, incomplete abortion or retained tissue, pelvic
1 9 inflammatory disease, endometritis, missed ectopic pregnancy,
1 10 cardiac arrest, respiratory arrest, renal failure, metabolic
1 11 disorder, shock, embolism, coma, placenta previa in subsequent
1 12 pregnancies, preterm delivery in subsequent pregnancies,
1 13 free fluid in the abdomen, organ damage, adverse reactions
1 14 to anesthesia and other drugs, psychological or emotional
1 15 complications such as depression, anxiety, sleeping disorders,
1 16 and death.

1 17 2. Abortion has a higher medical risk when the procedure is
1 18 performed later in the pregnancy. Compared to an abortion at
1 19 eight weeks' gestation or earlier, the relative risk increases
1 20 exponentially at higher gestations. The incidence of major
1 21 complications is highest after twenty weeks of gestation.

1 22 3. The state has a legitimate concern for the public's
1 23 health and safety.

1 24 4. The state has a legitimate interest from the outset
1 25 of pregnancy in protecting the health of the woman. More
1 26 specifically, the state has a legitimate concern with the
1 27 health of women who undergo abortions.

1 28 5. There is substantial evidence that by at least twenty
1 29 weeks after fertilization, an unborn child has the physical
1 30 structures necessary to experience pain.

1 31 6. There is substantial evidence that by twenty weeks
1 32 after fertilization, an unborn child seeks to evade certain
1 33 stimuli in a manner which, in an infant or an adult, would be
1 34 interpreted as a response to pain.

1 35 7. Anesthesia is routinely administered to an unborn child



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2 1 twenty weeks or more after fertilization when the unborn child
2 2 undergoes prenatal surgery.
2 3 8. Even before twenty weeks after fertilization, the unborn
2 4 child has been observed to exhibit hormonal stress responses to
2 5 painful stimuli, and a reduction in such response results when
2 6 pain medication is administered directly to the unborn child.
2 7 9. It is the purpose of the state of Iowa to assert a
2 8 compelling state interest in protecting the unborn child from
2 9 the stage at which substantial medical evidence indicates the
2 10 unborn child is capable of feeling pain.
2 11 Sec. 2. NEW SECTION. 146A.1 Definitions.
2 12 As used in this chapter unless the context otherwise
2 13 requires:
2 14 1. "Abortion" means abortion as defined in section 146.1.
2 15 2. "Attempt to perform or induce an abortion" means an act,
2 16 or an omission of a statutorily required act, that, under the
2 17 circumstances as the actor believes them to be, constitutes a
2 18 substantial step in a course of conduct planned to culminate in
2 19 the performance or inducing of an abortion.
2 20 3. "Department" means the department of public health.
2 21 4. "Fertilization" means the fusion of a human spermatozoon
2 22 with a human ovum.
2 23 5. "Human pregnancy" means an individual organism of the
2 24 species homo sapiens from fertilization until live birth.
2 25 6. "Medical emergency" means a condition which, in
2 26 reasonable medical judgment, so complicates the medical
2 27 condition of a pregnant woman as to necessitate the immediate
2 28 abortion of the human pregnancy to avert the woman's death or
2 29 for which a delay will create a serious risk of substantial and
2 30 irreversible physical impairment of a major bodily function.
2 31 "Medical emergency" does not include a condition which is based
2 32 on a claim or diagnosis that the pregnant woman will engage in
2 33 conduct which would result in the pregnant woman's death or in
2 34 substantial and irreversible physical impairment of a major
2 35 bodily function.



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3 1 7. "Medical facility" means any public or private hospital,
3 2 clinic, center, medical school, medical training institution,
3 3 health care facility, physician's office, infirmary,
3 4 dispensary, ambulatory surgical center, or other institution or
3 5 location where medical care is provided to any person.

3 6 8. "Physician" means a person licensed under chapter 148.

3 7 9. "Postfertilization age" means the age of the human
3 8 pregnancy as calculated from the fertilization of the human
3 9 ovum.

3 10 10. "Probable postfertilization age" means what, in
3 11 reasonable medical judgment, will with reasonable probability
3 12 be the postfertilization age of the human pregnancy at the time
3 13 the abortion is to be performed.

3 14 11. "Reasonable medical judgment" means a medical judgment
3 15 made by a reasonably prudent physician who is knowledgeable
3 16 about the case and the treatment possibilities with respect to
3 17 the medical conditions involved.

3 18 12. "Unborn child" means a human pregnancy in the
3 19 postembryonic stage.

3 20 Sec. 3. NEW SECTION. 146A.2 Determination of
3 21 postfertilization age prior to abortion == abortion prohibited
3 22 at twenty or more weeks postfertilization age == exceptions ==
3 23 reporting requirements == penalties.

3 24 1. Except in the case of a medical emergency, an abortion
3 25 shall not be performed or induced or be attempted to be
3 26 performed or induced unless the physician performing or
3 27 inducing the abortion has first made a determination of the
3 28 probable postfertilization age of the human pregnancy or relied
3 29 upon such a determination made by another physician. In making
3 30 such a determination, a physician shall make such inquiries
3 31 of the pregnant woman and perform or cause to be performed
3 32 such medical examinations and tests the physician considers
3 33 necessary in making a reasonable medical judgment to accurately
3 34 determine the postfertilization age of the human pregnancy.

3 35 2. a. A physician shall not perform or induce or attempt



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4 1 to perform or induce an abortion upon a pregnant woman when it
4 2 has been determined, by the physician performing or inducing
4 3 the abortion or by another physician upon whose determination
4 4 that physician relies, that the probable postfertilization age
4 5 of the human pregnancy is twenty or more weeks unless, in the
4 6 physician's reasonable medical judgment, any of the following
4 7 applies:
4 8 (1) The pregnant woman has a condition which the physician
4 9 deems a medical emergency.
4 10 (2) It is necessary to preserve the life of the unborn
4 11 child.
4 12 b. If an abortion is performed or induced under this
4 13 subsection, the physician shall terminate the human pregnancy
4 14 in the manner which, in the physician's reasonable medical
4 15 judgment, provides the best opportunity for the unborn child
4 16 to survive, unless, in the physician's reasonable medical
4 17 judgment, termination of the human pregnancy in that manner
4 18 would pose a greater risk than any other available method of
4 19 the death of the pregnant woman or of the substantial and
4 20 irreversible physical impairment of a major bodily function.
4 21 A greater risk shall not be deemed to exist if it is based on
4 22 a claim or diagnosis that the pregnant woman will engage in
4 23 conduct which would result in the pregnant woman's death or in
4 24 substantial and irreversible physical impairment of a major
4 25 bodily function.
4 26 3. A physician who performs or induces or attempts to
4 27 perform or induce an abortion shall report to the department,
4 28 on a schedule and in accordance with forms and rules adopted by
4 29 the department, all of the following:
4 30 a. If a determination of probable postfertilization age of
4 31 the human pregnancy was made, the probable postfertilization
4 32 age determined and the method and basis of the determination.
4 33 b. If a determination of probable postfertilization
4 34 age of the human pregnancy was not made, the basis of the
4 35 determination that a medical emergency existed.



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5 1 c. If the probable postfertilization age of the human
5 2 pregnancy was determined to be twenty or more weeks, the basis
5 3 of the determination of a medical emergency.

5 4 d. The method used for the abortion and, in the case of
5 5 an abortion performed when the probable postfertilization age
5 6 was determined to be twenty or more weeks, whether the method
5 7 of abortion used was one that, in the physician's reasonable
5 8 medical judgment, provided the best opportunity for the unborn
5 9 child to survive or, if such a method was not used, the basis
5 10 of the determination that termination of the human pregnancy
5 11 in that manner would pose a greater risk than would any other
5 12 available method of the death of the pregnant woman or of the
5 13 substantial and irreversible physical impairment of a major
5 14 bodily function.

5 15 4. a. By June 30, annually, the department shall issue a
5 16 public report providing statistics for the previous calendar
5 17 year, compiled from the reports for that year submitted in
5 18 accordance with subsection 3. Each report shall also provide
5 19 the statistics for all previous calendar years, adjusted to
5 20 reflect any additional information from late or corrected
5 21 reports. The department shall ensure that none of the
5 22 information included in the public reports could reasonably
5 23 lead to the identification of any woman upon whom an abortion
5 24 was performed.

5 25 b. (1) A physician who fails to submit a report by the end
5 26 of thirty days following the due date shall be subject to a
5 27 late fee of five hundred dollars for each additional thirty=day
5 28 period or portion of a thirty=day period the report is overdue.

5 29 (2) A physician required to report in accordance with
5 30 subsection 3 who has not submitted a report or who has
5 31 submitted only an incomplete report more than one year
5 32 following the due date, may, in an action brought in the
5 33 manner in which actions are brought to enforce chapter 148,
5 34 be directed by a court of competent jurisdiction to submit a
5 35 complete report within a time period stated by court order or



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6 1 be subject to contempt of court.
6 2 (3) A physician who intentionally or recklessly falsifies
6 3 a report required under this section is subject to a civil
6 4 penalty of one hundred dollars.
6 5 5. The department shall adopt rules to implement this
6 6 section.
6 7 Sec. 4. NEW SECTION. 146A.3 Civil and criminal actions ==
6 8 penalties.
6 9 1. Failure of a physician to comply with any provision of
6 10 section 146A.2, with the exception of the late filing of a
6 11 report or failure to submit a complete report in compliance
6 12 with a court order, is grounds for license discipline under
6 13 chapter 148.
6 14 2. A physician who intentionally or recklessly performs or
6 15 attempts to perform an abortion in violation of this chapter is
6 16 guilty of a class "C" felony.
6 17 3. A medical facility licensed in this state in which
6 18 abortions are performed or induced in violation of this chapter
6 19 is subject to immediate revocation of licensure.
6 20 4. A medical facility licensed in this state in which
6 21 abortions are performed or induced in violation of this chapter
6 22 is ineligible to receive state funding and is subject to
6 23 repayment of any state funds received from the state during the
6 24 time after which an abortion in violation of this chapter was
6 25 performed or induced.
6 26 5. A woman upon whom an abortion has been performed in
6 27 violation of this chapter or the biological father may maintain
6 28 an action against the physician who performed the abortion in
6 29 intentional or reckless violation of this chapter for actual
6 30 damages.
6 31 6. A woman upon whom an abortion has been attempted in
6 32 violation of this chapter may maintain an action against the
6 33 physician who attempted to perform the abortion in intentional
6 34 or reckless violation of this chapter for actual damages.
6 35 7. A cause of action for injunctive relief to prevent a



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7 1 physician from performing abortions may be maintained against a
7 2 physician who has intentionally violated this chapter by the
7 3 woman upon whom the abortion was performed or attempted to be
7 4 performed, by the spouse of the woman, by a parent or guardian
7 5 of the woman if the woman is less than eighteen years of age or
7 6 unmarried at the time the abortion was performed or attempted
7 7 to be performed, by a current or former licensed health care
7 8 provider of the woman, by a county attorney with appropriate
7 9 jurisdiction, or by the attorney general.

7 10 8. A woman upon whom an abortion was performed or was
7 11 attempted to be performed shall not be subject to prosecution
7 12 for a violation of this chapter.

7 13 9. If the plaintiff prevails in an action brought under
7 14 this section, the plaintiff shall be entitled to an award for
7 15 reasonable attorney fees.

7 16 10. If the defendant prevails in an action brought under
7 17 this section and the court finds that the plaintiff's suit was
7 18 frivolous and brought in bad faith, the defendant shall be
7 19 entitled to an award for reasonable attorney fees.

7 20 11. Damages and attorney fees shall not be assessed against
7 21 the woman upon whom an abortion was performed or attempted to
7 22 be performed except as provided in subsection 10.

7 23 12. In a civil or criminal proceeding or action brought
7 24 under this chapter, the court shall rule whether the anonymity
7 25 of any woman upon whom an abortion has been performed or
7 26 attempted shall be preserved from public disclosure if the
7 27 woman does not provide consent to such disclosure. The court,
7 28 upon motion or on its own motion, shall make such a ruling
7 29 and, upon determining that the woman's anonymity should be
7 30 preserved, shall issue orders to the parties, witnesses,
7 31 and counsel and shall direct the sealing of the record and
7 32 exclusion of individuals from courtrooms or hearing rooms to
7 33 the extent necessary to safeguard the woman's identity from
7 34 public disclosure. Each such order shall be accompanied by
7 35 specific written findings explaining why the anonymity of the



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8 1 woman should be preserved from public disclosure, why the
8 2 order is essential to that end, how the order is narrowly
8 3 tailored to serve that interest, and why no reasonable less
8 4 restrictive alternative exists. In the absence of written
8 5 consent of the woman upon whom an abortion has been performed
8 6 or attempted, anyone, other than a public official, who brings
8 7 an action under this section shall do so under a pseudonym.
8 8 This subsection shall not be construed to conceal the identity
8 9 of the plaintiff or of witnesses from the defendant or from
8 10 attorneys for the defendant.

8 11 Sec. 5. NEW SECTION. 146A.4 Construction.

8 12 1. Nothing in this chapter shall be construed as creating or
8 13 recognizing a right to an abortion.

8 14 2. Nothing in this chapter shall be construed as determining
8 15 life to begin at twenty weeks' gestation. Instead, it is
8 16 recognized that life begins at conception.

8 17 Sec. 6. NEW SECTION. 146A.5 Severability clause.

8 18 If any provision of this chapter or its application to any
8 19 person or circumstance is held invalid, the invalidity does
8 20 not affect other provisions or application of this chapter
8 21 which can be given effect without the invalid provision or
8 22 application, and to this end the provisions of this chapter are
8 23 severable.

8 24 Sec. 7. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
8 25 immediate importance, takes effect upon enactment.

8 26 EXPLANATION

8 27 This bill relates to abortions. The bill provides findings
8 28 of the general assembly and definitions.

8 29 The bill provides that, except in the case of a medical
8 30 emergency, an abortion shall not be performed or induced
8 31 or be attempted to be performed or induced unless the
8 32 physician performing or inducing the abortion has first made
8 33 a determination of the probable postfertilization age of the
8 34 human pregnancy. Additionally, the bill prohibits a physician
8 35 from performing or inducing or attempting to perform or induce



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9 1 an abortion upon a pregnant woman when it has been determined,
9 2 that the probable postfertilization age is 20 or more weeks
9 3 unless, in the physician's reasonable medical judgment, either
9 4 the pregnant woman has a condition which the physician deems a
9 5 medical emergency or it is necessary to preserve the life of
9 6 the unborn child. If an abortion is performed or induced when
9 7 the probable postfertilization age is 20 or more weeks, the
9 8 physician is required to terminate the pregnancy in a manner
9 9 which, in the physician's reasonable medical judgment, provides
9 10 the best opportunity for the unborn child to survive unless
9 11 such termination would pose a greater risk either of the death
9 12 of the pregnant woman or of the substantial and irreversible
9 13 physical impairment of a major bodily function of the woman
9 14 than would another available method.

9 15 The bill also requires certain reports to be filed by a
9 16 physician who performs or induces or attempts to perform or
9 17 induce an abortion with the department of public health, on
9 18 a schedule and in accordance with forms and rules adopted by
9 19 the department. The department is required to compile the
9 20 information collected annually and issue a public report,
9 21 ensuring that none of the information included in the public
9 22 reports could reasonably lead to the identification of any
9 23 pregnant woman upon whom an abortion was performed. The bill
9 24 provides monetary penalties for a physician who fails to submit
9 25 a report in a timely manner, submits an incomplete report, or
9 26 intentionally or recklessly falsifies a required report.

9 27 The bill provides for civil and criminal actions and
9 28 penalties relating to violations of the bill. Failure of a
9 29 physician to comply with any provision, with the exception of
9 30 the late filing of a report or failure to submit a complete
9 31 report in compliance with a court order, is grounds for license
9 32 discipline. A physician who intentionally or recklessly
9 33 performs or attempts to perform an abortion in violation of the
9 34 bill is guilty of a class "C" felony, which is punishable by
9 35 confinement for no more than 10 years and a fine of at least



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10 1 \$1,000 but not more than \$10,000. The bill also provides that
10 2 a medical facility licensed in the state in which abortions
10 3 are performed or induced in violation of the bill is subject
10 4 to immediate revocation of licensure. Additionally, a
10 5 medical facility licensed in this state in which abortions are
10 6 performed or induced in violation of the bill is ineligible to
10 7 receive state funding and is subject to repayment of any state
10 8 funds received from the state during the time after which an
10 9 abortion in violation of the bill was performed or induced.
10 10 However, the woman upon whom the abortion was performed or was
10 11 attempted to be performed is not subject to prosecution for a
10 12 violation of the bill. The bill provides for the maintaining
10 13 of actions by certain people based on alleged violations of
10 14 the bill. A woman upon whom an abortion has been performed in
10 15 violation of the bill or the biological father may maintain
10 16 an action against the physician who performed the abortion
10 17 in intentional or reckless violation of the bill for actual
10 18 damages. A woman upon whom an abortion has been attempted
10 19 in violation of the bill may maintain an action against the
10 20 physician who attempted to perform the abortion in intentional
10 21 or reckless violation of the bill for actual damages.
10 22 Additionally, a cause of action for injunctive relief to
10 23 prevent a physician from performing abortions may be maintained
10 24 against a physician who has intentionally violated the bill by
10 25 the woman upon whom the abortion was performed or attempted
10 26 to be performed, by the spouse of the woman, by a parent or
10 27 guardian of the woman if the woman is less than 18 years of
10 28 age or unmarried at the time the abortion was performed or
10 29 attempted to be performed, by a current or former licensed
10 30 health care provider of the woman, by a county attorney with
10 31 appropriate jurisdiction, or by the attorney general.
10 32 The bill provides a process for preserving the anonymity of
10 33 the woman upon whom an abortion has been performed or attempted
10 34 from public disclosure if the woman does not provide consent to
10 35 such disclosure during any proceeding or action under the bill.



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11 1 The bill also provides that the bill is not to be construed
11 2 as creating or recognizing a right to an abortion, and the
11 3 bill is not to be construed as determining life to begin at 20
11 4 weeks' gestation; instead, it is recognized that life begins
11 5 at conception.

11 6 The bill includes a severability clause as is applicable to
11 7 every Act or statute pursuant to Code section 4.12.

11 8 The bill takes effect upon enactment.

LSB 1155XS (2) 84

pf/nh



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Senate File 43 - Introduced

SENATE FILE
BY SCHOENJAHN

A BILL FOR

1 An Act relating to the protection and care of pioneer
2 cemeteries.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1608XS (2) 84
av/sc



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1 1 Section 1. Section 523I.316, Code 2011, is amended to read
1 2 as follows:
1 3 523I.316 Protection of cemeteries, pioneer cemeteries, and
1 4 burial sites.
1 5 1. Existence of cemetery, pioneer cemetery, or burial site
1 6 ==== notification. If a governmental subdivision is notified of
1 7 the existence of a cemetery, a pioneer cemetery, or a marked
1 8 burial site that is not located in a dedicated cemetery, within
1 9 its jurisdiction and the cemetery, pioneer cemetery, or burial
1 10 site is not otherwise provided for under this chapter, the
1 11 governmental subdivision shall, as soon as is practicable,
1 12 notify the owner of the land upon which the cemetery, pioneer
1 13 cemetery, or burial site is located of the cemetery's, pioneer
1 14 cemetery's, or burial site's existence and location. The
1 15 notification shall include an explanation of the provisions of
1 16 this section. If there is a basis to believe that interment
1 17 may have occurred more than one hundred fifty years earlier,
1 18 the governmental subdivision shall also notify the state
1 19 archaeologist.
1 20 2. Disturbance of interment spaces ==== penalty. A person who
1 21 knowingly and without authorization damages, defaces, destroys,
1 22 or otherwise disturbs an interment space commits criminal
1 23 mischief in the third degree. Criminal mischief in the third
1 24 degree is an aggravated misdemeanor.
1 25 3. Duty to preserve and protect.
1 26 a. A governmental subdivision having a cemetery, pioneer
1 27 cemetery, or a burial site that is not located within a
1 28 dedicated cemetery, within its jurisdiction, for which
1 29 preservation is not otherwise provided, shall preserve and
1 30 protect the cemetery, pioneer cemetery, or burial site as
1 31 necessary to restore or maintain its physical integrity as a
1 32 cemetery, pioneer cemetery, or burial site. The governmental
1 33 subdivision may enter into a written agreement to delegate
1 34 the responsibility for the preservation and protection of
1 35 the cemetery, pioneer cemetery, or burial site to the owner



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2 1 of the property on which the cemetery, pioneer cemetery, or
2 2 burial site is located or to a public or private organization
2 3 interested in historical preservation. The governmental
2 4 subdivision shall not enter into an agreement with a public
2 5 or private organization to preserve and protect the cemetery,
2 6 pioneer cemetery, or burial site unless the property owner has
2 7 been offered the opportunity to enter into such an agreement
2 8 and has declined to do so.

2 9 b. A governmental subdivision is authorized to expend public
2 10 funds, in any manner authorized by law, in connection with such
2 11 a cemetery, pioneer cemetery, or burial site.

2 12 c. If a governmental subdivision proposes to enter into an
2 13 agreement with a public or private organization pursuant to
2 14 this subsection to preserve and protect a cemetery, pioneer
2 15 cemetery, or burial site that is located on property owned by
2 16 another person within the jurisdiction of the governmental
2 17 subdivision, the proposed agreement shall be written, and
2 18 the governmental subdivision shall provide written notice by
2 19 ordinary mail of the proposed agreement to the property owner
2 20 at least fourteen days prior to the date of the meeting at
2 21 which such proposed agreement will be authorized. The notice
2 22 shall include the location of the cemetery, pioneer cemetery,
2 23 or burial site and a copy of the proposed agreement, and
2 24 explain that the property owner is required to permit members
2 25 of the public or private organization reasonable ingress
2 26 and egress for the purposes of preserving and protecting
2 27 the cemetery, pioneer cemetery, or burial site pursuant to
2 28 the proposed agreement. The notice shall also include the
2 29 date, time, and place of the meeting and a statement that the
2 30 property owner has a right to attend the meeting and to comment
2 31 regarding the proposed agreement.

2 32 d. (1) Subject to chapter 670, a governmental subdivision
2 33 that enters into an agreement with a public or private
2 34 organization pursuant to this subsection is liable for any
2 35 personal injury or property damage that occurs in connection



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3 1 with the preservation or protection of the cemetery, pioneer
3 2 cemetery, or burial site or access to the cemetery, pioneer
3 3 cemetery, or burial site by the governmental subdivision or the
3 4 public or private organization.

3 5 (2) For the purposes of this paragraph "d", "liable" means
3 6 liability for every civil wrong which results in wrongful
3 7 death or injury to a person or injury to property or injury to
3 8 personal or property rights and includes but is not restricted
3 9 to actions based upon negligence; error or omission; nuisance;
3 10 breach of duty, whether statutory or other duty; or denial or
3 11 impairment of any right under any constitutional provision,
3 12 statute, or rule of law.

3 13 e. A property owner who is required to permit members of a
3 14 public or private organization reasonable ingress and egress
3 15 for the purpose of preserving or protecting a cemetery, pioneer
3 16 cemetery, or burial site on that owner's property and who acts
3 17 in good faith and in a reasonable manner pursuant to this
3 18 subsection is not liable for any personal injury or property
3 19 damage that occurs in connection with the preservation or
3 20 protection of the cemetery, pioneer cemetery, or burial site or
3 21 access to the cemetery, pioneer cemetery, or burial site.

3 22 f. For the purposes of this subsection, reasonable ingress
3 23 and egress to a cemetery, pioneer cemetery, or burial site
3 24 shall include the following:

3 25 (1) A member of a public or private organization that
3 26 has entered into a written agreement with the governmental
3 27 subdivision who desires to visit such a cemetery, pioneer
3 28 cemetery, or burial site shall give the property owner at least
3 29 ten days' written notice of the intended visit.

3 30 (2) If the property owner cannot provide reasonable access
3 31 to the cemetery, pioneer cemetery, or burial site on the
3 32 desired date, the property owner shall provide reasonable
3 33 alternative dates when the property owner can provide access
3 34 to the member.

3 35 (3) A property owner is not required to make any



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4 1 improvements to that person's property to satisfy the
4 2 requirement to provide reasonable access to a cemetery, pioneer
4 3 cemetery, or burial site pursuant to this subsection.

4 4 4. Confiscation and return of memorials. A law
4 5 enforcement officer having reason to believe that a
4 6 memorial or memorialization is in the possession of a person
4 7 without authorization or right to possess the memorial
4 8 or memorialization may take possession of the memorial or
4 9 memorialization from that person and turn it over to the
4 10 officer's law enforcement agency. If a law enforcement agency
4 11 determines that a memorial or memorialization the agency has
4 12 taken possession of rightfully belongs on an interment space,
4 13 the agency shall return the memorial or memorialization to the
4 14 interment space, or make arrangements with the person having
4 15 jurisdiction over the interment space for its return.

4 16 5. Burial sites located on private property. If a person
4 17 notifies a governmental subdivision that a burial site of the
4 18 person's relative is located on property owned by another
4 19 person within the jurisdiction of the governmental subdivision,
4 20 the governmental subdivision shall notify the property owner
4 21 of the location of the burial site and that the property owner
4 22 is required to permit the person reasonable ingress and egress
4 23 for the purposes of visiting the burial site of the person's
4 24 relative.

4 25 6. Pioneer cemeteries located on private property. If a
4 26 person notifies a governmental subdivision that the person's
4 27 relative is interred in a pioneer cemetery on property owned
4 28 by another person within the jurisdiction of the governmental
4 29 subdivision, the governmental subdivision shall notify the
4 30 property owner of the location of the pioneer cemetery and that
4 31 the property owner is required to permit the person reasonable
4 32 ingress and egress for the purposes of visiting the burial site
4 33 of the person's relative.

4 34 ~~6.~~ 7. Discovery of human remains. Any person discovering
4 35 human remains shall notify the county or state medical examiner



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5 1 or a city, county, or state law enforcement agency as soon as
5 2 is reasonably possible unless the person knows or has good
5 3 reason to believe that such notice has already been given or
5 4 the discovery occurs in a cemetery. If there is reason to
5 5 believe that interment may have occurred more than one hundred
5 6 fifty years earlier, the governmental subdivision notified
5 7 shall also notify the state archaeologist. A person who does
5 8 not provide notice required pursuant to this subsection commits
5 9 a serious misdemeanor.

5 10 ~~7.~~ 8. Adverse possession. A cemetery or a pioneer cemetery
5 11 is exempt from seizure, appropriation, or acquisition of title
5 12 under any claim of adverse possession, unless it is shown that
5 13 all remains in the cemetery or pioneer cemetery have been
5 14 disinterred and removed to another location.

5 15 Sec. 2. Section 523I.317, Code 2011, is amended to read as
5 16 follows:

5 17 523I.317 Duty to provide public access.

5 18 A cemetery or pioneer cemetery shall provide or permit
5 19 public access to the cemetery or pioneer cemetery, at
5 20 reasonable times and subject to reasonable regulations, so that
5 21 owners of interment rights and other members of the public
5 22 have reasonable ingress and egress to the cemetery or pioneer
5 23 cemetery.

5 24 Sec. 3. Section 523I.401, Code 2011, is amended to read as
5 25 follows:

5 26 523I.401 Neglected cemeteries and pioneer cemeteries.

5 27 The commissioner shall create a form that interested persons
5 28 may use to report neglected cemeteries and pioneer cemeteries
5 29 to the commissioner. The commissioner shall catalog and review
5 30 the neglected cemetery and pioneer cemetery reports received
5 31 on or before December 31, ~~2007~~ 2011, conduct site visits as
5 32 warranted to determine the nature or extent of any neglect, and
5 33 publish a report of findings on or before December 31, ~~2008~~
~~5 34~~ 2012.

5 35 Sec. 4. Section 523I.402, Code 2011, is amended to read as



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6 1 follows:

6 2 523I.402 Removal of remains.

6 3 1. Upon a showing of good cause, a county cemetery
6 4 commission may file suit in the district court in that county
6 5 to have remains interred in a cemetery or pioneer cemetery
6 6 owned and operated by the commission removed to another
6 7 cemetery. All persons in interest, known or unknown, other
6 8 than the plaintiffs, shall be made defendants to the suit. If
6 9 any parties are unknown, notice may be given by publication.
6 10 After hearing and a showing of good cause for the removal, the
6 11 court may order the removal of the remains and the remains
6 12 shall be properly interred in another cemetery, at the expense
6 13 of the county. The removal and reinterment of the remains
6 14 shall be done pursuant to a disinterment permit issued under
6 15 section 144.34 with due care and decency. In deciding whether
6 16 to order the removal of interred remains, a court shall
6 17 consider present or future access to the cemetery or pioneer
6 18 cemetery, the historical significance of the cemetery or
6 19 pioneer cemetery, and the wishes of the parties concerned
6 20 if they are brought to the court's attention, including the
6 21 desire of any beneficiaries to reserve their rights to waive a
6 22 reservation of rights in favor of removal, and shall exercise
6 23 the court's sound discretion in granting or refusing the
6 24 removal of interred remains.

6 25 2. Any heir at law or descendent of a deceased person
6 26 interred in a neglected cemetery or pioneer cemetery may file
6 27 suit in the district court in the county where the cemetery
6 28 or pioneer cemetery is located to have the deceased person's
6 29 remains interred in the cemetery or pioneer cemetery removed to
6 30 another cemetery. The owner of the land, any beneficiaries of
6 31 any reservation of rights, and any other persons in interest,
6 32 known or unknown, other than the plaintiffs shall be made
6 33 defendants. If any parties are unknown, notice may be given by
6 34 publication. After hearing and upon a showing of good cause,
6 35 the court may order removal and the proper interment of the



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7 1 remains in another cemetery, at the expense of the petitioner.
7 2 The removal and reinterment shall be done with due care and
7 3 decency.

7 4 EXPLANATION

7 5 This bill extends certain protections to pioneer cemeteries
7 6 that are available to cemeteries. A pioneer cemetery is
7 7 defined as a cemetery where there were 12 or fewer burials in
7 8 the preceding 50 years. A pioneer cemetery is specifically
7 9 excluded from the definition of a cemetery for purposes of
7 10 cemetery regulation in Code chapter 523I.

7 11 Code section 523I.316 is amended to require a governmental
7 12 subdivision that is notified of the existence of a pioneer
7 13 cemetery that is not otherwise provided for under Code chapter
7 14 523I to notify the owner of the land upon which the pioneer
7 15 cemetery is located of its existence and also the state
7 16 archaeologist if there is a basis to believe that interment
7 17 may have occurred more than 150 years earlier. A governmental
7 18 subdivision is also given the duty to preserve and protect a
7 19 pioneer cemetery or enter into an agreement with the landowner
7 20 on which the pioneer cemetery is located, or a public or
7 21 private organization interested in historical preservation, to
7 22 do so. The governmental subdivision may expend public funds
7 23 in connection with a pioneer cemetery and is liable, subject
7 24 to Code chapter 670, for personal injury or property damage
7 25 that results in connection with the preservation or protection
7 26 of, or access to, the pioneer cemetery. Reasonable ingress
7 27 and egress requirements for preservation organizations and
7 28 relatives of persons interred also apply to pioneer cemeteries.

7 29 Code section 523I.317 is amended to require that pioneer
7 30 cemeteries must allow public access to the pioneer cemetery at
7 31 reasonable times.

7 32 Code section 523I.401 is amended to require the commissioner
7 33 of insurance to create a form that interested persons may use
7 34 to report neglected cemeteries and pioneer cemeteries to the
7 35 commissioner and requires the commissioner to catalogue and



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8 1 review any neglected cemetery and pioneer cemetery reports
8 2 received on or before December 31, 2011, conduct site visits
8 3 as warranted, and publish a report of findings on or before
8 4 December 31, 2012. These changes update previous provisions
8 5 which required the commissioner to catalogue and review
8 6 neglected cemetery reports received on or before December 31,
8 7 2007, and publish a report of findings before December 31,
8 8 2008.
8 9 Code section 523I.402 is amended to allow a county cemetery
8 10 commission or an heir at law or descendent of a deceased person
8 11 interred in a pioneer cemetery to file suit in district court
8 12 to have remains interred in a pioneer cemetery removed to
8 13 another cemetery.
LSB 1608XS (2) 84
av/sc



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Senate File 44 - Introduced

SENATE FILE

BY ZAUN, ANDERSON,
BERTRAND, BOETTGER,
BACON, BARTZ,
CHELGREN, SORENSON,
WARD, SEYMOUR, BEHN,
and FEENSTRA

A BILL FOR

1 An Act relating to the sale or lease of the Iowa communications
2 network.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1724XS (2) 84
rn/sc



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Senate File 44 - Introduced continued

PAG LIN

1 1 Section 1. SALE OR LEASE OF IOWA COMMUNICATIONS
1 2 NETWORK. The Iowa telecommunications and technology commission
1 3 shall implement a request for proposals process to sell
1 4 or lease the Iowa communications network. The request for
1 5 proposals shall provide for the sale to be concluded or the
1 6 lease to commence during the fiscal year beginning July 1,
1 7 2011. The commission shall condition the sale or lease of the
1 8 Iowa communications network with terms that will allow existing
1 9 authorized users of the network to continue such use at a
1 10 lower overall long-term cost when compared to the anticipated
1 11 operation and maintenance costs if state ownership and control
1 12 were to continue. The commission shall submit periodic status
1 13 reports to the general assembly at three-month intervals,
1 14 beginning on October 1, 2011, regarding progress made toward
1 15 selling or leasing the network.

1 16 EXPLANATION

1 17 This bill directs the Iowa telecommunications and technology
1 18 commission to implement a request for proposals process to sell
1 19 or lease the Iowa communications network, with the sale to be
1 20 concluded or lease to commence during the fiscal year beginning
1 21 July 1, 2011. The bill specifies that the sale or lease must
1 22 allow existing authorized users of the network to continue
1 23 use at a lower overall long-term cost when compared to the
1 24 anticipated operation and maintenance costs if state ownership
1 25 and control were to continue. The bill requires the commission
1 26 to submit status reports to the general assembly every three
1 27 months, beginning October 1, 2011, regarding progress made
1 28 toward selling or leasing the network.

LSB 1724XS (2) 84

rn/sc



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Senate File 45 - Introduced

SENATE FILE
BY ZAUN

A BILL FOR

1 An Act providing for the placement of a right-to-work notice on
2 certain state property and publications.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1705XS (4) 84
je/rj



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Senate File 45 - Introduced continued

PAG LIN

1 1 Section 1. Section 8A.362, subsection 8, Code 2011, is
1 2 amended to read as follows:

1 3 8. The director shall require that a sign be placed on
1 4 each state-owned motor vehicle in a conspicuous place which
1 5 indicates its ownership by the state. The sign shall also
1 6 include the phrase, "Iowa is a Right-to-Work State". This
1 7 requirement subsection shall not apply to motor vehicles
1 8 requested to be exempt by the director or by the commissioner
1 9 of public safety. All state-owned motor vehicles shall display
1 10 registration plates bearing the word "official" except motor
1 11 vehicles requested to be furnished with ordinary plates by the
1 12 director or by the commissioner of public safety pursuant to
1 13 section 321.19. The director shall keep an accurate record of
1 14 the registration plates used on all state-owned motor vehicles.

1 15 Sec. 2. Section 15.108, Code 2011, is amended by adding the
1 16 following new subsection:

1 17 NEW SUBSECTION. 12. Labor relations. To provide
1 18 information relating to the rights of workers and employers in
1 19 this state. To carry out this responsibility, the department
1 20 shall include the phrase, "Iowa is a Right-to-Work State"
1 21 in bold letters on all business recruitment, tourism, and
1 22 promotional literature.

1 23 Sec. 3. Section 306D.4, Code 2011, is amended to read as
1 24 follows:

1 25 306D.4 Scenic highway advertising.

1 26 The state department of transportation shall have the
1 27 authority to adopt rules to control the erection of new
1 28 advertising devices on a highway designated as a scenic highway
1 29 or scenic byway in order to comply with federal requirements
1 30 concerning the implementation of a scenic byways program. The
1 31 rules shall provide for the placement of the following phrase,
1 32 "Iowa is a Right-to-Work State" on each new advertising device
1 33 on a scenic highway.

1 34 Sec. 4. Section 307.14, unnumbered paragraph 1, Code 2011,
1 35 is amended to read as follows:



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Senate File 45 - Introduced continued

2 1 The department shall publish a map of the state of Iowa.
2 2 The map shall include the following phrase, "Iowa is a
2 3 Right=to=Work State" below the picture of the governor of Iowa
2 4 on the map. At the request of a citizen of a particular city or
2 5 town, the department shall add the city or town to the existing
2 6 map of Iowa and identify the main road leading into the city
2 7 or town if the city or town meets two or more of the following
2 8 criteria:

2 9 EXPLANATION

2 10 This bill relates to the promotion of Iowa as a right=to=work
2 11 state. The bill requires the placement of the phrase,
2 12 "Iowa is a Right=to=Work State" in the following places:
2 13 (1) on each state=owned vehicle; (2) on the department of
2 14 economic development's business recruitment, tourism, and
2 15 promotional literature; (3) on each new sign the department
2 16 of transportation erects on scenic highways; and (4) on each
2 17 roadmap published by the department of transportation.

LSB 1705XS (4) 84

je/rj



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Senate File 46 - Introduced

SENATE FILE

BY ZAUN, BOETTGER, BACON,
BEHN, SEYMOUR, and
FEENSTRA

A BILL FOR

1 An Act imposing a moratorium on the issuance of licenses for
2 gambling games and including effective date and retroactive
3 applicability provisions.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1714XS (2) 84

aw/nh



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Senate File 46 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 99F.4E Moratorium for issuance of
1 2 licenses for gambling games.

1 3 1. Commencing January 1, 2011, the commission shall not
1 4 issue a license to conduct gambling games on an excursion
1 5 gambling boat, gambling structure, or at a pari-mutuel
1 6 racetrack pursuant to this chapter.

1 7 2. This section does not affect the validity of a license
1 8 issued by the commission pursuant to this chapter before
1 9 January 1, 2011, or the authority of the commission to suspend,
1 10 revoke, transfer, or renew a license issued before January 1,
1 11 2011, pursuant to chapter 99D or this chapter.

1 12 Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
1 13 immediate importance, takes effect upon enactment.

1 14 Sec. 3. RETROACTIVE APPLICABILITY. This Act applies
1 15 retroactively to January 1, 2011.

1 16 EXPLANATION

1 17 This bill establishes a moratorium preventing the racing
1 18 and gaming commission from issuing a new license to conduct
1 19 gambling games on an excursion gambling boat, gambling
1 20 structure, or at a pari-mutuel racetrack on and after
1 21 January 1, 2011. The bill takes effect upon enactment and is
1 22 retroactively applicable to January 1, 2011.

LSB 1714XS (2) 84

aw/nh



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Senate Joint Resolution 1 - Introduced

SENATE JOINT RESOLUTION
BY ZAUN, BERTRAND,
ANDERSON, SORENSON,
WARD, KAPUCIAN, and
FEENSTRA

SENATE JOINT RESOLUTION

1 A Joint Resolution proposing an amendment to the Constitution
2 of the State of Iowa relating to the sessions of the general
3 assembly.
4 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1689XS (6) 84
aw/rj



**Iowa General Assembly
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Senate Joint Resolution 1 - Introduced continued

PAG LIN

1 1 Section 1. The following amendment to the Constitution of
1 2 the State of Iowa is proposed:
1 3 Section 2 of Article III of the Constitution of the State
1 4 of Iowa, as amended by amendment number 1 of the Amendments of
1 5 1968 and by amendment number 2 of the Amendments of 1974, is
1 6 repealed and the following adopted in lieu thereof:
1 7 Biennial sessions of general assembly ==== special
1 8 sessions.SEC. 2. The sessions of the general assembly shall
1 9 be biennial, and shall commence on the second Monday in January
1 10 next ensuing the election of its members. Upon written request
1 11 to the presiding officer of each house of the general assembly
1 12 by two-thirds of the members of each house, the general
1 13 assembly shall convene in special session. The governor of the
1 14 state may convene the general assembly by proclamation in the
1 15 interim.
1 16 Sec. 2. REFERRAL AND PUBLICATION. The foregoing amendment
1 17 to the Constitution of the State of Iowa is referred to the
1 18 general assembly to be chosen at the next general election
1 19 for members of the general assembly, and the secretary of
1 20 state is directed to cause the same to be published for three
1 21 consecutive months previous to the date of that election as
1 22 provided by law.

1 23 EXPLANATION

1 24 This joint resolution proposes an amendment to the
1 25 Constitution of the State of Iowa relating to sessions of
1 26 the general assembly. The resolution provides for biennial
1 27 sessions of the general assembly instead of annual sessions
1 28 which shall commence in the year following election of its
1 29 members.
1 30 The resolution, if adopted, would be referred to the next
1 31 general assembly for adoption a second time before being
1 32 submitted to the electorate for ratification.

LSB 1689XS (6) 84
aw/rj



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Senate Study Bill 1025

SENATE/HOUSE FILE
BY (PROPOSED DEPARTMENT
OF EDUCATION/BOARD OF
EDUCATIONAL EXAMINERS
BILL)

A BILL FOR

1 An Act providing for immunity from civil liability for members
2 and employees of the board of educational examiners.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1330DP (6) 84
je/nh



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Senate Study Bill 1025 continued

PAG LIN

1 1 Section 1. NEW SECTION. 272.6 Immunities.
1 2 1. A person shall not be civilly liable as a result of
1 3 the person's acts, omissions, or decisions in good faith as a
1 4 member of the board or as an employee or agent in connection
1 5 with the person's duties.
1 6 2. A person shall not be civilly liable as a result
1 7 of filing a report or complaint with the board or for the
1 8 disclosure to the board or its agents or employees, whether or
1 9 not pursuant to a subpoena of records, documents, testimony, or
1 10 other forms of information in connection with proceedings of
1 11 the board. However, such immunity from civil liability shall
1 12 not apply if such an act is done with malice.
1 13 3. A person shall not be dismissed from employment or
1 14 discriminated against by an employer for doing any of the
1 15 following:
1 16 a. Filing a complaint with the board.
1 17 b. Participating as a member, agent, or employee of the
1 18 board.
1 19 c. Presenting testimony or other evidence to the board.
1 20 4. An employer who violates this section shall be liable to
1 21 a person aggrieved by such violation for actual and punitive
1 22 damages plus reasonable attorney fees.

1 23 EXPLANATION

1 24 This bill provides that a person shall not be civilly liable
1 25 for their actions in good faith as a member, employee, or agent
1 26 of the board of educational examiners. Pursuant to the bill, a
1 27 person shall not be civilly liable, as long as they do not act
1 28 with malice, for filing a report or complaint with the board or
1 29 disclosing to the board various forms of information. The bill
1 30 provides that a person shall not be dismissed or discriminated
1 31 against by an employer for their involvement with the board.
1 32 The bill also provides that an employer who violates the terms
1 33 of the bill shall be liable to the aggrieved person for actual
1 34 and punitive damages plus reasonable attorney fees.

LSB 1330DP (6) 84

je/nh



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Senate Study Bill 1026

SENATE/HOUSE FILE
BY (PROPOSED DEPARTMENT
OF EDUCATION/BOARD OF
EDUCATIONAL EXAMINERS
BILL)

A BILL FOR

1 An Act relating to the grounds for which the board of
2 educational examiners is required to disqualify an applicant
3 for licensure or revoke a license.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1331DP (4) 84
kh/nh



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Senate Study Bill 1026 continued

PAG LIN

1 1 Section 1. Section 272.2, subsection 14, paragraph b,
1 2 subparagraph (1), unnumbered paragraph 1, Code 2011, is amended
1 3 to read as follows:
1 4 The person entered a plea of guilty to, or has been found
1 5 guilty of, any of the following offenses ~~established pursuant~~
~~1 6 to Iowa law or offenses of a similar nature established under~~
~~1 7 the laws of any other state or of the United States, or any~~
~~1 8 other country, whether or not a sentence is imposed:~~
1 9 Sec. 2. Section 272.2, subsection 14, paragraph b,
1 10 subparagraph (1), Code 2011, is amended by adding the following
1 11 new subparagraph divisions:
1 12 NEW SUBPARAGRAPH DIVISION. (0c) Enticing a minor under
1 13 section 710.10.
1 14 NEW SUBPARAGRAPH DIVISION. (00c) Human trafficking under
1 15 section 710A.2.
1 16 NEW SUBPARAGRAPH DIVISION. (f) Any offense specified in
1 17 the laws of another jurisdiction, or any offense that may be
1 18 prosecuted in federal, military, or foreign court, that is
1 19 comparable to an offense listed in this subparagraph (1).
1 20 NEW SUBPARAGRAPH DIVISION. (g) Any offense under prior
1 21 laws of this state or another jurisdiction, or any offense
1 22 under prior law that was prosecuted in a federal, military, or
1 23 foreign court, that is comparable to an offense listed in this
1 24 subparagraph (1).

1 25 EXPLANATION

1 26 This bill adds to the grounds for which the board of
1 27 educational examiners is required to disqualify an applicant
1 28 for a license or to revoke the license of a person. The new
1 29 grounds include enticing a minor; human trafficking; or any
1 30 offense specified in the laws of another jurisdiction, any
1 31 offense under prior laws of this state or another jurisdiction,
1 32 or any offense, or prior offense, that may be or was prosecuted
1 33 in federal, military, or foreign court, that is comparable
1 34 to an offense listed as grounds for disqualification or
1 35 revocation.



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2 1 Other grounds for disqualification or revocation currently
2 2 in Code include the following: forcible felonies including
2 3 child endangerment, assault, murder, sexual abuse, or
2 4 kidnapping; sexual abuse offenses involving a child; sexual
2 5 exploitation by a school employee; incest involving a child;
2 6 dissemination and exhibition of obscene material to minors; and
2 7 telephone dissemination of obscene material to minors.

LSB 1331DP (4) 84

kh/nh



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Senate Study Bill 1027

SENATE FILE
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL
BY CHAIRPERSON
DANIELSON)

A BILL FOR

1 An Act relating to the licensure of orthotists, prosthetists,
2 and pedorthists and providing for fees and penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1582XC (6) 84
jr/nh



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Senate Study Bill 1027 continued

PAG LIN

1 1 Section 1. Section 147.1, subsections 3 and 6, Code 2011,
1 2 are amended to read as follows:

1 3 3. "Licensed" or "certified", when applied to a physician
1 4 and surgeon, podiatric physician, osteopathic physician and
1 5 surgeon, physician assistant, psychologist, chiropractor,
1 6 nurse, dentist, dental hygienist, dental assistant,
1 7 optometrist, speech pathologist, audiologist, pharmacist,
1 8 physical therapist, physical therapist assistant, occupational
1 9 therapist, occupational therapy assistant, orthotist,
1 10 prosthetist, pedorthist, respiratory care practitioner,
1 11 practitioner of cosmetology arts and sciences, practitioner
1 12 of barbering, funeral director, dietitian, marital and
1 13 family therapist, mental health counselor, social worker,
1 14 massage therapist, athletic trainer, acupuncturist, nursing
1 15 home administrator, hearing aid dispenser, or sign language
1 16 interpreter or transliterator means a person licensed under
1 17 this subtitle.

1 18 6. "Profession" means medicine and surgery, podiatry,
1 19 osteopathic medicine and surgery, practice as a physician
1 20 assistant, psychology, chiropractic, nursing, dentistry,
1 21 dental hygiene, dental assisting, optometry, speech pathology,
1 22 audiology, pharmacy, physical therapy, physical therapist
1 23 assisting, occupational therapy, occupational therapy
1 24 assisting, respiratory care, cosmetology arts and sciences,
1 25 barbering, mortuary science, marital and family therapy, mental
1 26 health counseling, social work, dietetics, massage therapy,
1 27 athletic training, acupuncture, nursing home administration,
1 28 hearing aid dispensing, ~~or~~ sign language interpreting or
1 29 transliterating, orthotics, prosthetics, or pedorthics.

1 30 Sec. 2. Section 147.2, subsection 1, Code 2011, is amended
1 31 to read as follows:

1 32 1. A person shall not engage in the practice of medicine
1 33 and surgery, podiatry, osteopathic medicine and surgery,
1 34 psychology, chiropractic, physical therapy, physical
1 35 therapist assisting, nursing, dentistry, dental hygiene,



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2 1 dental assisting, optometry, speech pathology, audiology,
2 2 occupational therapy, occupational therapy assisting,
2 3 orthotics, prosthetics, pedorthics, respiratory care,
2 4 pharmacy, cosmetology arts and sciences, barbering, social
2 5 work, dietetics, marital and family therapy or mental health
2 6 counseling, massage therapy, mortuary science, athletic
2 7 training, acupuncture, nursing home administration, hearing aid
2 8 dispensing, or sign language interpreting or transliterating,
2 9 or shall not practice as a physician assistant, unless the
2 10 person has obtained a license for that purpose from the board
2 11 for the profession.

2 12 Sec. 3. Section 147.13, Code 2011, is amended by adding the
2 13 following new subsection:

2 14 NEW SUBSECTION. 24. For orthotics, prosthetics, and
2 15 pedorthics, the board of orthotics, prosthetics, and
2 16 pedorthics.

2 17 Sec. 4. Section 147.14, subsection 1, Code 2011, is amended
2 18 by adding the following new paragraph:

2 19 NEW PARAGRAPH. x. For the board of orthotics, prosthetics,
2 20 and pedorthics, three persons licensed to practice orthotics,
2 21 prosthetics, or pedorthics who have engaged in the practice
2 22 of orthotics, prosthetics, or pedorthics in Iowa for at least
2 23 three years immediately preceding their appointment to the
2 24 board and two members who are not licensed to practice and who
2 25 shall represent the general public.

2 26 Sec. 5. Section 147.74, Code 2011, is amended by adding the
2 27 following new subsection:

2 28 NEW SUBSECTION. 24. a. An orthotist licensed under chapter
2 29 148F may use the words "licensed orthotist" after the person's
2 30 name or signify the same by the use of the letters "L.O." after
2 31 the person's name.

2 32 b. A pedorthist licensed under chapter 148F may use the
2 33 words "licensed pedorthist" after the person's name or signify
2 34 the same by the use of the letters "L.ped." after the person's
2 35 name.



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3 1 c. A prosthetist licensed under chapter 148F may use the
3 2 words "licensed prosthetist" after the person's name or signify
3 3 the same by the use of the letters "L.P." after the person's
3 4 name.

3 5 Sec. 6. NEW SECTION. 148F.1 Title and purpose.
3 6 1. This chapter may be cited and referred to as the
3 7 "Orthotics, Prosthetics, and Pedorthics Practice Act".
3 8 2. The purpose of this chapter is to provide for the
3 9 regulation of persons offering orthotic, prosthetic, and
3 10 pedorthic services to the public in order to safeguard the
3 11 public health, safety, and welfare.

3 12 Sec. 7. NEW SECTION. 148F.2 Definitions.
3 13 As used in this chapter:

3 14 1. "Board" means the board of orthotics, prosthetics, and
3 15 pedorthics.

3 16 2. "Orthotic and prosthetic scope of practice" means a
3 17 list of tasks, with relative weight given to such factors
3 18 as importance, criticality, and frequency, based on
3 19 internationally accepted standards of orthotic and prosthetic
3 20 care as outlined by the international society of prosthetics
3 21 and orthotics' professional profile for category I and category
3 22 III orthotic and prosthetic personnel.

3 23 3. "Orthotics" means the science and practice of evaluating,
3 24 measuring, designing, fabricating, assembling, fitting,
3 25 adjusting, or servicing an orthosis under an order from a
3 26 licensed physician or podiatric physician for the correction or
3 27 alleviation of neuromuscular or musculoskeletal dysfunction,
3 28 disease, injury, or deformity.

3 29 4. "Orthotist" means a health care professional,
3 30 specifically educated and trained in orthotic patient care,
3 31 who measures, designs, fabricates, fits, or services orthoses
3 32 and may assist in the formulation of the order and treatment
3 33 plan of orthoses for the support or correction of disabilities
3 34 caused by neuromusculoskeletal diseases, injuries, or
3 35 deformities.



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- 4 1 5. "Pedorthic scope of practice" means a list of tasks
4 2 with relative weight given to such factors as importance,
4 3 criticality, and frequency based on nationally accepted
4 4 standards of pedorthic care as outlined by the national
4 5 commission on orthotic and prosthetic education comprehensive
4 6 analysis with an empirical validation study of the profession
4 7 performed by an independent testing company.
- 4 8 6. "Pedorthics" means the science and practice of
4 9 evaluating, measuring, designing, fabricating, assembling,
4 10 fitting, adjusting, or servicing a pedorthic device under an
4 11 order from a licensed physician or podiatric physician for the
4 12 correction or alleviation of neuromuscular or musculoskeletal
4 13 dysfunction, disease, injury, or deformity.
- 4 14 7. "Pedorthist" means a health care professional,
4 15 specifically educated and trained in pedorthic patient
4 16 care, who measures, designs, fabricates, fits, or services
4 17 pedorthic devices and may assist in the formulation of the
4 18 order and treatment plan of pedorthic devices for the support
4 19 or correction of disabilities caused by neuromusculoskeletal
4 20 diseases, injuries, or deformities.
- 4 21 8. "Prosthesis" means an artificial medical device that
4 22 is not surgically implanted and that is used to replace a
4 23 missing limb, appendage, or any other external human body part
4 24 including an artificial limb, hand, or foot. "Prosthesis"
4 25 does not include artificial eyes, ears, fingers, or toes,
4 26 dental appliances, cosmetic devices such as artificial breasts,
4 27 eyelashes, or wigs, or other devices that do not have a
4 28 significant impact on the musculoskeletal functions of the
4 29 body.
- 4 30 9. "Prosthetics" means the science and practice of
4 31 evaluating, measuring, designing, fabricating, assembling,
4 32 fitting, adjusting, or servicing a prosthesis under an order
4 33 from a licensed physician.
- 4 34 10. "Prosthetist" means a health care professional,
4 35 specifically educated and trained in prosthetic patient care,



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5 1 who measures, designs, fabricates, fits, or services prostheses
5 2 and may assist in the formulation of the order and treatment
5 3 plan of prostheses for the replacement of external parts of the
5 4 human body lost due to amputation or congenital deformities or
5 5 absences.

5 6 Sec. 8. NEW SECTION. 148F.3 Duties of the board.

5 7 The board shall administer this chapter. The board's duties
5 8 shall include but are not limited to the following:

5 9 1. Adoption of rules to administer and interpret this
5 10 chapter, chapter 147, and chapter 272C with respect to the
5 11 education and licensing of orthotists, prosthetists, and
5 12 pedorthists.

5 13 2. Adoption of rules to establish accepted standards of
5 14 orthotic and prosthetic scope of practice.

5 15 3. Adoption of rules relating to professional conduct and
5 16 licensing and the establishment of ethical and professional
5 17 standards of practice.

5 18 4. Acting on matters concerning licensure and the process
5 19 of applying for, granting, suspending, imposing supervisory
5 20 or probationary conditions upon, reinstating, revoking, or
5 21 renewing a license.

5 22 5. Establishing and collecting licensure fees as provided
5 23 in section 147.80.

5 24 6. Developing continuing education requirements as a
5 25 condition of license renewal.

5 26 7. Evaluating requirements for licensure in other states to
5 27 determine if reciprocity may be granted.

5 28 Sec. 9. NEW SECTION. 148F.4 Persons and practices not
5 29 affected.

5 30 This chapter does not prevent or restrict the practice,
5 31 services, or activities of any of the following:

5 32 1. A person licensed in this state by any other law from
5 33 engaging in the profession or occupation for which the person
5 34 is licensed.

5 35 2. A person employed as an orthotics, prosthetics, or



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6 1 pedorthics practitioner by the government of the United States
6 2 if that person practices solely under the direction or control
6 3 of the organization by which the person is employed.

6 4 3. A person pursuing a course of study leading to a degree
6 5 or certificate in recreational therapy in an educational
6 6 program accredited or approved according to rules adopted by
6 7 the board, if the activities and services constitute a part of
6 8 a supervised course of study and the person is designated by a
6 9 title which clearly indicates the person's status as a student
6 10 or trainee.

6 11 Sec. 10. NEW SECTION. 148F.5 Qualifications for licensure
6 12 as orthotist, prosthetist, or pedorthist.

6 13 1. To qualify for a license to practice orthotics or
6 14 prosthetics, a person shall meet the following requirements:

6 15 a. Possess a baccalaureate degree from a college or
6 16 university.

6 17 b. Have completed the amount of formal training including
6 18 but not limited to any hours of classroom education and
6 19 clinical practice established and approved by the board.

6 20 c. Complete a clinical residency in the professional area
6 21 for which a license is sought in accordance with standards,
6 22 guidelines, or procedures for residencies established and
6 23 approved by the board. The majority of training must be
6 24 devoted to services performed under the supervision of a
6 25 licensed practitioner of orthotics or prosthetics or a person
6 26 certified as a certified orthotist, certified prosthetist,
6 27 or certified prosthetist orthotist whose practice is located
6 28 outside the state.

6 29 d. Pass all written, practical, and oral examinations that
6 30 are required and approved by the board.

6 31 e. Be qualified to practice in accordance with accepted
6 32 standards of orthotic and prosthetic care as established by the
6 33 board.

6 34 2. To qualify for a license to practice pedorthics, a person
6 35 shall meet the following requirements:



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- 7 1 a. Submit proof of a high school diploma or its equivalent.
- 7 2 b. Have completed the amount of formal training including
- 7 3 but not limited to any hours of classroom education and
- 7 4 clinical practice established and approved by the board.
- 7 5 c. Complete a qualified work experience program or
- 7 6 internship in pedorthics that has a minimum of one thousand
- 7 7 hours of pedorthic patient care experience in accordance
- 7 8 with any standards, guidelines, or procedures established
- 7 9 and approved by the board. The majority of training must
- 7 10 be devoted to services performed under the supervision of a
- 7 11 licensed practitioner of pedorthics or a person certified as
- 7 12 a certified pedorthist whose practice is located outside the
- 7 13 state.
- 7 14 d. Pass all examinations that are required and approved by
- 7 15 the board.
- 7 16 e. Be qualified to practice in accordance with accepted
- 7 17 standards of pedorthic care as established by the board.
- 7 18 3. The standards and requirements for licensure established
- 7 19 by the board shall be substantially equal to or in excess of
- 7 20 standards commonly accepted in the professions of orthotics,
- 7 21 prosthetics, or pedorthics, as applicable. The board shall
- 7 22 adopt rules as necessary to set the standards and requirements.
- 7 23 4. A person may be licensed in more than one discipline.
- 7 24 Sec. 11. NEW SECTION. 148F.6 Assistants and technicians.
- 7 25 1. a. A person shall not work as an assistant to an
- 7 26 orthotist or prosthetist or provide patient care services or
- 7 27 fabrication of orthoses or prostheses, unless the work is
- 7 28 performed under the supervision of a licensed orthotist or
- 7 29 prosthetist.
- 7 30 b. An assistant may perform orthotic or prosthetic
- 7 31 procedures and related tasks in the management of patient care.
- 7 32 An assistant may also fabricate, repair, and maintain orthoses
- 7 33 and prostheses.
- 7 34 2. a. A person shall not work as a technician unless
- 7 35 the work is performed under the supervision of a licensed



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8 1 orthotist, prosthetist, or pedorthist.

8 2 b. A technician may assist a person licensed under this
8 3 chapter with fabrication of orthoses, prostheses, or pedorthic
8 4 devices but shall not provide direct patient care.

8 5 Sec. 12. NEW SECTION. 148F.7 Limitation on provision of
8 6 care and services.

8 7 A licensed orthotist, prosthetist, or pedorthist may provide
8 8 care or services only if the care or services are provided
8 9 pursuant to an order from a licensed physician, a licensed
8 10 podiatric physician, an advanced registered nurse practitioner
8 11 who has a written collaborative agreement with a collaborating
8 12 physician or podiatric physician that specifically authorizes
8 13 ordering the services of an orthotist, prosthetist, or
8 14 pedorthist, an advanced registered nurse practitioner who
8 15 practices in a hospital or ambulatory surgical treatment center
8 16 and possesses clinical privileges to order services of an
8 17 orthotist, prosthetist, or pedorthist, or a physician assistant
8 18 who has been delegated the authority to order the services of
8 19 an orthotist, prosthetist, or pedorthist by the assistant's
8 20 supervising physician. A licensed podiatric physician or an
8 21 advanced registered nurse practitioner collaborating with a
8 22 podiatric physician may only order care or services concerning
8 23 the foot from a licensed prosthetist.

8 24 Sec. 13. Section 272C.1, subsection 6, Code 2011, is amended
8 25 by adding the following new paragraph:

8 26 NEW PARAGRAPH. ag. The board of orthotics, prosthetics, and
8 27 pedorthics, created pursuant to chapter 147.

8 28 Sec. 14. INITIAL BOARD. The initial members of the board of
8 29 orthotics, prosthetics, and pedorthics established pursuant to
8 30 this Act shall be appointed to the following terms:

8 31 1. Two professional members eligible for licensure and one
8 32 public member shall be appointed for a term of two years.

8 33 2. One professional member eligible for licensure and one
8 34 public member shall be appointed for a term of one year.

8 35 EXPLANATION



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9 1 This bill creates new Code chapter 148F that requires
9 2 the licensure of persons offering orthotic, prosthetic, or
9 3 pedorthic services. The bill provides for the establishment of
9 4 a five=member licensing board consisting of three professional
9 5 members and two members who represent the general public.
9 6 The bill provides for fees to fund the board and provides
9 7 penalties for violation of the practice requirement. The
9 8 penalties, including criminal penalties, are set out for all
9 9 health=related boards in Code chapters 147 and 272C. The board
9 10 is similar in composition and responsibilities to the other
9 11 health=related licensing boards.
9 12 Orthotics is the science and practice of evaluating,
9 13 measuring, designing, fabricating, assembling, fitting,
9 14 adjusting, or servicing a custom=fabricated or custom=fitted
9 15 brace or support for the correction or alleviation of
9 16 neuromuscular or musculoskeletal dysfunction, disease, injury,
9 17 or deformity.
9 18 Pedorthics is the science and practice of evaluating,
9 19 measuring, designing, fabricating, assembling, fitting,
9 20 adjusting, or servicing a specially designed shoe or shoe
9 21 insert for the correction or alleviation of neuromuscular or
9 22 musculoskeletal dysfunction, disease, injury, or deformity.
9 23 Prosthetics is the science and practice of evaluating,
9 24 measuring, designing, fabricating, assembling, fitting,
9 25 adjusting, or servicing an artificial medical device that is
9 26 not surgically implanted and that is used to replace a missing
9 27 limb, appendage, or any other external human body part.
9 28 The bill provides qualifications for licensure as an
9 29 orthotist, prosthetist, or pedorthist and requirements for
9 30 assistants and technicians to be supervised by such licensees.

LSB 1582XC (6) 84

jr/nh



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Senate Study Bill 1028

SENATE/HOUSE FILE
BY (PROPOSED IOWA PUBLIC
EMPLOYEES? RETIREMENT
SYSTEM BILL)

A BILL FOR

1 An Act concerning certain vesting requirements for regular
2 service members under the Iowa public employees' retirement
3 system.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1241DP (4) 84
ec/sc



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1 1 Section 1. Section 97B.49A, subsection 3, Code 2011, is
1 2 amended to read as follows:
1 3 3. Calculation of monthly allowance. For each active or
1 4 inactive vested member retiring on or after July 1, 1994, ~~with~~
~~1 5 four or more complete years of who is vested by service, a~~
1 6 monthly benefit shall be computed which is equal to one-twelfth
1 7 of an amount equal to the applicable percentage of the final
1 8 average covered wage multiplied by a fraction of years of
1 9 service. However, if benefits under this section commence on
1 10 an early retirement date, the amount of the benefit shall be
1 11 reduced in accordance with section 97B.50.

1 12 EXPLANATION

1 13 Legislation enacted in 2010 changed the years of service
1 14 vesting requirement for regular service members under the Iowa
1 15 public employees' retirement system (IPERS) from four to seven
1 16 years beginning July 1, 2012, and defined this requirement
1 17 as being "vested by service". A corresponding reference in
1 18 Code section 97B.49A(3) to four or more complete years of
1 19 service for purposes of calculating the monthly retirement
1 20 allowance for regular service members was not changed in the
1 21 2010 legislation. This bill changes the reference from four or
1 22 more years of service to vested by service.

LSB 1241DP (4) 84

ec/sc



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Senate Study Bill 1029

SENATE/HOUSE FILE
BY (PROPOSED ATTORNEY
GENERAL BILL)

A BILL FOR

1 An Act relating to charitable solicitations, by providing
2 for registration requirements, providing for fees and
3 appropriations, imposing penalties, and including effective
4 date provisions.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1247DP (5) 84

da/nh



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1 1 Section 1. NEW SECTION. 13D.1 Definitions.
1 2 1. "Business association" means the same as defined in
1 3 section 202B.102.
1 4 2. "Charitable organization" means a person who solicits or
1 5 purports to solicit contributions for a charitable purpose and
1 6 who receives contributions.
1 7 3. "Charitable purpose" means a benevolent, educational,
1 8 philanthropic, humane, scientific, patriotic, social welfare or
1 9 advocacy, public health, environmental, conservation, civic,
1 10 or other charitable objective.
1 11 4. "Charitable sales promotion" means an advertising or
1 12 sales campaign which is conducted by a commercial coventurer
1 13 and which represents that the purchase or use of goods or
1 14 services offered by the commercial coventurer will benefit, in
1 15 whole or in part, a charitable organization or purpose.
1 16 5. "Commercial coventurer" means a person who, for profit,
1 17 is regularly and primarily engaged in trade or commerce, other
1 18 than in connection with soliciting for charitable organizations
1 19 or purposes, and who conducts a charitable sales promotion.
1 20 6. a. "Contribution" means the grant, promise, or pledge
1 21 of money, credit, property, financial assistance, or any other
1 22 thing of value provided in response to a solicitation.
1 23 b. "Contribution" does not include bona fide fees, dues,
1 24 or assessments paid by members of a charitable organization
1 25 if membership in the organization is not conferred primarily
1 26 as consideration for making a contribution in response to a
1 27 solicitation.
1 28 7. "Internal Revenue Code" means 26 U.S.C. { 1 et seq.,
1 29 designated as the Internal Revenue Code of 1986 by the Tax
1 30 Reform Act of 1986, Pub. L. No. 99=514, including amendments.
1 31 8. "Internal revenue service" means the internal revenue
1 32 service of the United States department of the treasury.
1 33 9. "Political organization" means a political party, a
1 34 candidate for federal or state office, or a political action
1 35 committee formed pursuant to the federal Election Campaign



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2 1 Act, 2 U.S.C. { 431 et seq., and required to file financial
2 2 information with federal or state elections commissions.
2 3 10. "Professional commercial fund=raiser" means any person
2 4 who for compensation solicits contributions in Iowa for a
2 5 charitable organization other than the person. A person whose
2 6 sole responsibility is to mail fund=raising literature is not a
2 7 professional commercial fund=raiser.
2 8 a. "Professional commercial fund=raiser" includes any
2 9 person, other than a bona fide officer or regular employee of
2 10 a charitable organization, who is retained by a charitable
2 11 organization for a fixed fee or rate under a written agreement
2 12 to plan, manage, advise, consult, or prepare material for or
2 13 with respect to the solicitation in this state of contributions
2 14 for a charitable organization but who does not solicit
2 15 contributions or employ, procure, or engage any compensated
2 16 person to solicit contributions.
2 17 b. "Professional commercial fund=raiser" is not any of the
2 18 following:
2 19 (1) An attorney licensed to practice law, an investment
2 20 adviser or investment adviser representative as defined in
2 21 section 502.102, or a person engaged in banking as provided in
2 22 section 554.4105, when advising a person to make a charitable
2 23 contribution.
2 24 (2) A bona fide salaried officer, employee, or volunteer of
2 25 a charitable organization.
2 26 (3) A person soliciting contributions pursuant to a
2 27 contract with any of the following:
2 28 (a) A political organization.
2 29 (b) A religious organization.
2 30 11. "Record" means a book, financial statement, paper,
2 31 correspondence, memorandum, agreement, or other information in
2 32 a printed or electronic form that the attorney general deems
2 33 relevant or material to an inquiry made under this chapter.
2 34 12. "Religious organization" means an organization that
2 35 is exempt from filing a federal annual information return



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3 1 pursuant to 26 U.S.C. { 6033(a)(3)(A)(i) or (iii), 26 U.S.C. {
3 2 6033(a)(3)(C)(i), or pursuant to 26 C.F.R. { 1.6033-2(g)(1)(i)
3 3 through (iv), or 26 C.F.R. { 1.6033-2(g)(1)(vii).
3 4 13. a. "Solicit" or "solicitation" means a request,
3 5 made directly or indirectly, for a contribution on the
3 6 representation that the contribution will be used for a
3 7 charitable purpose, regardless of whether or not the person
3 8 making the solicitation receives a contribution.
3 9 b. "Solicitation" does not include an application for
3 10 a grant from any governmental entity or private nonprofit
3 11 foundation.
3 12 14. "Solicitation campaign" means more than one solicitation
3 13 made by the same person, if the solicitations are similar in
3 14 content or are based on a similar representation, and any of
3 15 the following applies:
3 16 a. The solicitations result in or are represented to result
3 17 in an event.
3 18 b. The solicitations occur or are intended to occur for a
3 19 specific time period.
3 20 c. The solicitations occur for an indefinite period of time
3 21 within the same calendar year.
3 22 15. "Volunteer" means a person who performs a service for a
3 23 charitable organization or charitable purpose and who does not
3 24 receive financial remuneration or who has not been expressly
3 25 nor impliedly promised to be paid financial remuneration for
3 26 performing such service.
3 27 Sec. 2. NEW SECTION. 13D.2 Charitable organization ====
3 28 registration requirements.
3 29 1. A charitable organization must be registered with the
3 30 attorney general prior to soliciting a contribution in this
3 31 state by any means, having a contribution solicited in this
3 32 state on its behalf by any other person, or participating in
3 33 a charitable sales promotion.
3 34 2. In order to be registered, a charitable organization must
3 35 do all of the following:



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- 4 1 a. File a registration statement with the attorney general.
4 2 b. Comply with the annual renewal requirement as provided in
4 3 this chapter.
4 4 c. Pay any filing fee required pursuant to section 13D.3.
4 5 3. A registration statement shall contain information
4 6 required by the attorney general, including but not limited to
4 7 all of the following:
4 8 a. The name of the charitable organization, the purpose for
4 9 which it is organized, and the name or names under which it
4 10 intends to solicit a contribution.
4 11 b. The mailing address, electronic mail address, and
4 12 telephone number of the principal place of business of the
4 13 charitable organization and the mailing address, electronic
4 14 mail address, and telephone number of each of its offices
4 15 maintained in this state. If the charitable organization
4 16 does not maintain an office in this state, the registration
4 17 statement shall include the name, mailing address, electronic
4 18 mail address, and telephone number of the person who has
4 19 custody of the charitable organization's financial records.
4 20 c. The name and address of each officer, director, trustee,
4 21 or executive personnel of the charitable organization.
4 22 d. The last day of the fiscal year of the charitable
4 23 organization.
4 24 e. The place and date when the charitable organization was
4 25 legally established, the legal form of its organization, and
4 26 its tax=exempt status.
4 27 f. The name and address of each professional commercial
4 28 fund=raiser and each commercial coventurer who is acting or has
4 29 agreed to act on behalf of the charitable organization. If the
4 30 professional commercial fund=raiser or commercial coventurer
4 31 is a business association organized as a legal entity, the
4 32 charitable organization shall list only the name and address of
4 33 the business association.
4 34 g. Any other information determined relevant by the attorney
4 35 general.



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5 1 4. A charitable organization required to register under
5 2 this chapter shall file a financial report with the attorney
5 3 general. The financial report shall include information for
5 4 the charitable organization's most recent fiscal year. The
5 5 charitable organization shall file the financial report on or
5 6 before the fifteenth day of the fifth calendar month after the
5 7 close of each fiscal year of the charitable organization.
5 8 a. The charitable organization may file, in lieu of a
5 9 financial report, a copy of its completed federal tax form
5 10 990 as promulgated by the internal revenue service for the
5 11 charitable organization's most recent fiscal year, including
5 12 all schedules except schedules of donors, for the most recent
5 13 fiscal year.
5 14 b. A charitable organization may apply to the attorney
5 15 general requesting an extension of time to file a financial
5 16 report or a copy of a federal tax form 990 as provided in
5 17 paragraph "a". The attorney general shall consider and approve
5 18 or disapprove such application under terms, conditions,
5 19 and procedures that are substantially similar to the terms,
5 20 conditions, and procedures established by the internal revenue
5 21 service when considering and approving or disapproving an
5 22 extension of time to file a federal tax form 990. During the
5 23 extension period the charitable organization shall file a copy
5 24 of its most recently filed federal tax form 990 or such other
5 25 financial information that the attorney general may require.
5 26 c. A charitable organization that was first legally
5 27 established within twelve months prior to being required to
5 28 register and thus cannot complete a financial report or a
5 29 federal tax form 990 as provided in paragraph "a", shall file a
5 30 preliminary financial report based on a good faith estimate for
5 31 its first full fiscal year.
5 32 5. a. A charitable organization required to register under
5 33 this chapter shall file with the attorney general a statement
5 34 of amendment reflecting any changes materially affecting the
5 35 charitable organization's identity or business, including but



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6 1 not limited to a change to its:
6 2 (1) Name.
6 3 (2) Address.
6 4 (3) Officers, directors, trustees, or executive personnel.
6 5 (4) Form of business association.
6 6 (5) Tax status.
6 7 b. The statement of amendment shall be filed concurrently
6 8 with the next financial report required to be filed pursuant to
6 9 this chapter.
6 10 6. Each chapter, branch, or affiliate of a charitable
6 11 organization that is required to file a registration statement
6 12 or statement of amendment under this section shall do one of
6 13 the following:
6 14 a. File a separate registration statement or statement of
6 15 amendment.
6 16 b. Report the necessary information to its parent charitable
6 17 organization which shall file a consolidated registration
6 18 statement or statement of amendment.
6 19 7. Each registration application, financial report, or
6 20 statement of amendment required to be filed pursuant to this
6 21 section shall be signed and sworn to under oath by an officer
6 22 of the charitable organization, which may include but is not
6 23 limited to its chief fiscal officer.
6 24 Sec. 3. NEW SECTION. 13D.3 Charitable organization ====
6 25 filing fee.
6 26 1. A charitable organization required to file a financial
6 27 report or a federal tax form 990 in lieu of the financial
6 28 report as provided in section 13D.2, shall pay an annual filing
6 29 fee to the attorney general, as provided in subsection 2.
6 30 2. The amount of the annual filing fee shall be based on the
6 31 total receipts collected by the charitable organization from
6 32 all solicitations in this state during the period covered in
6 33 its financial report, or its federal tax form 990, being filed.
6 34 a. For receipts of \$100,000 or
6 35 more but less than \$250,000 \$50



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7 1 b. For receipts of \$250,000 or
7 2 more but less than \$500,000 \$75
7 3 c. For receipts of \$500,000 or
7 4 more but less than \$2,000,000 \$150
7 5 d. For receipts of \$2,000,000 or
7 6 more but less than \$5,000,000 \$250
7 7 e. For receipts of \$5,000,000 or
7 8 more \$500
7 9 Sec. 4. NEW SECTION. 13D.4 Charitable organization ==
7 10 exemptions.
7 11 A charitable organization is not required to be registered
7 12 and is not required to file a financial report as provided in
7 13 section 13D.2, if the charitable organization is any of the
7 14 following:
7 15 1. A political organization.
7 16 2. A religious organization.
7 17 3. a. A charitable organization, if any of the following
7 18 applies:
7 19 (1) It is required to furnish the internal revenue service
7 20 an electronic annual notification pursuant to the Internal
7 21 Revenue Code, 26 U.S.C. { 6033(i).
7 22 (2) It does not receive contributions from more than ten
7 23 persons during the charitable organization's fiscal year.
7 24 b. The exemption authorized in paragraph "a" does not
7 25 apply to a charitable organization that has contracted with a
7 26 professional commercial fund-raiser to solicit contributions in
7 27 this state for the charitable organization.
7 28 4. a. A foundation acting solely for the support of an
7 29 institution governed by the state board of regents.
7 30 b. A foundation acting solely for the support of an
7 31 institution governed by chapter 260C.
7 32 c. A private foundation as defined in the Internal Revenue
7 33 Code, 26 U.S.C. { 509(a), organized for the support of a
7 34 government body.
7 35 5. a. A member organization which is limited to



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8 1 a fraternal, patriotic, social, educational, alumni,
8 2 professional, or trade association which restricts the
8 3 solicitation of contributions to persons who have a right to
8 4 vote as a member.
8 5 b. As used in paragraph "a", "member" does not include a
8 6 person who is granted a membership to an organization upon
8 7 making a contribution as a result of a solicitation.
8 8 Sec. 5. NEW SECTION. 13D.5 Attorney general ==== electronic
8 9 filing.
8 10 The attorney general shall take steps to cooperate with
8 11 other states and the federal government to establish a joint
8 12 state and federal electronic filing project for charitable
8 13 organizations making solicitations as provided in this chapter.
8 14 To every extent feasible, the project shall involve state
8 15 government offices regulating charitable promotion and the
8 16 internal revenue service to enable and promote the electronic
8 17 filing of uniform multistate registration statements and
8 18 federal annual information returns.
8 19 Sec. 6. NEW SECTION. 13D.6 Charitable organization ==== use
8 20 of another organization's name in solicitation.
8 21 A charitable organization shall not solicit contributions
8 22 for a charitable purpose in this state, where the charitable
8 23 organization claims that a portion or all of the contributions
8 24 received will be given to another charitable organization
8 25 in this state, without permission from the other charitable
8 26 organization that its name may be referred to as part of the
8 27 solicitation.
8 28 Sec. 7. NEW SECTION. 13D.7 Professional commercial
8 29 fund=raiser ==== registration and filing fee.
8 30 1. A professional commercial fund=raiser must be registered
8 31 with the attorney general prior to soliciting a contribution in
8 32 this state on behalf of a charitable organization.
8 33 2. In order to be registered, a professional commercial
8 34 fund=raiser shall file a registration statement as described in
8 35 this section.



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9 1 3. A registration statement shall contain information
9 2 required by the attorney general, including but not limited to
9 3 all of the following:
9 4 a. The mailing address, electronic mail address, and
9 5 telephone number of the principal place of business of the
9 6 professional commercial fund=raiser, and the electronic mail
9 7 address and telephone number of its principal contact person.
9 8 b. A listing of the professional commercial fund=raiser's
9 9 clients.
9 10 c. Financial disclosure information concerning
9 11 contributions received and disbursements made during the
9 12 previous fiscal year. Financial disclosure information shall
9 13 not include an applicant's donor lists.
9 14 d. Copies of contracts executed by the professional
9 15 commercial fund=raiser and a charitable organization as
9 16 provided in section 13D.8.
9 17 e. Any other information deemed relevant by the attorney
9 18 general.
9 19 4. The attorney general may require that registration
9 20 information be updated on a quarterly basis.
9 21 5. A professional commercial fund=raiser shall pay
9 22 the attorney general a fee of one hundred dollars for each
9 23 registration.
9 24 6. A professional commercial fund=raiser shall file with
9 25 the attorney general a statement of amendment reflecting any
9 26 changes to its client list or to its existing contracts within
9 27 sixty days of such changes.
9 28 7. The registration of a professional commercial
9 29 fund=raiser with the attorney general is valid for twelve
9 30 months.
9 31 8. A professional commercial fund=raiser may submit an
9 32 application for renewal of registration in the same manner as
9 33 for initial registration.
9 34 Sec. 8. NEW SECTION. 13D.8 Professional commercial
9 35 fund=raiser ==== contract with a charitable organization.



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10 1 This section applies to a professional commercial
10 2 fund=raiser's contractual relationship with a charitable
10 3 organization that is required to be registered as provided in
10 4 section 13D.2 or is not required to be registered as provided
10 5 in that section because it is a member organization exempt from
10 6 registration pursuant to section 13D.4.
10 7 1. A contract executed between a professional commercial
10 8 fund=raiser and a charitable organization shall be in writing
10 9 and signed by an authorized official of the charitable
10 10 organization. The professional commercial fund=raiser shall
10 11 provide a copy of the contract to the charitable organization
10 12 prior to the performance of any material services under the
10 13 contract.
10 14 2. A contract executed between the professional commercial
10 15 fund=raiser and a charitable organization shall contain at
10 16 least all of the following provisions:
10 17 a. A statement of the charitable purpose for which the
10 18 solicitation campaign is being conducted.
10 19 b. A statement of the respective obligations of the
10 20 professional commercial fund=raiser and the charitable
10 21 organization.
10 22 c. Whether the professional commercial fund=raiser will at
10 23 any time have custody or control of contributions.
10 24 d. A clear statement of the fees that will be paid to the
10 25 professional commercial fund=raiser or, if the fees are to be
10 26 calculated based on a percentage of contributions or other
10 27 formula, a clear statement of the percentage or other formula.
10 28 e. The effective and termination dates of the contract.
10 29 Sec. 9. NEW SECTION. 13D.9 Professional commercial
10 30 fund=raiser ==== solicitation campaign.
10 31 Prior to commencing a solicitation campaign in the state, a
10 32 professional commercial fund=raiser must file with the attorney
10 33 general a description of the manner in which the solicitation
10 34 campaign will be conducted, including but not limited to copies
10 35 of any telephone calling scripts, mail solicitations, and



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11 1 pledge mailing materials.
11 2 Sec. 10. NEW SECTION. 13D.10 Rules and forms.
11 3 1. The attorney general may adopt rules as necessary to
11 4 administer and enforce the provisions of this chapter.
11 5 2. The attorney general may prescribe forms determined
11 6 necessary or convenient to administer this chapter, including
11 7 but not limited to forms associated with registration
11 8 requirements for charitable organizations and professional
11 9 commercial fund=raisers.
11 10 Sec. 11. NEW SECTION. 13D.11 Attorney general authority to
11 11 administer this chapter.
11 12 1. The submission of records including but not limited to
11 13 contracts, scripts, and mail solicitations to the attorney
11 14 general pursuant to the filing requirements of this chapter do
11 15 not constitute the attorney general's approval of the records
11 16 submitted.
11 17 2. The attorney general may reject the registration of a
11 18 charitable organization or professional commercial fund=raiser
11 19 for failing to comply with the requirements of this chapter.
11 20 3. The attorney general may examine any information that the
11 21 attorney general deems is or may be relevant to a filing by a
11 22 charitable organization or professional commercial fund=raiser
11 23 pursuant to this chapter.
11 24 Sec. 12. NEW SECTION. 13D.12 Enforcement == penalty.
11 25 1. The attorney general shall enforce the provisions of this
11 26 chapter.
11 27 2. A violation of this chapter is a violation of section
11 28 714.16, subsection 2, paragraph "a". The provisions of section
11 29 714.16, including but not limited to provisions relating to
11 30 investigation, injunctive relief, and penalties, shall apply to
11 31 this chapter.
11 32 Sec. 13. NEW SECTION. 13D.13 Funds collected ==== charitable
11 33 solicitations administration fund ==== appropriation.
11 34 A charitable solicitations administration fund is created
11 35 as a separate fund in the state treasury to be administered



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12 1 by the attorney general. Moneys collected by the attorney
12 2 general under this chapter shall be deposited in the fund.
12 3 The moneys in the fund are appropriated to the department of
12 4 justice exclusively for public education relating to charitable
12 5 solicitations and for enforcement of the provisions of this
12 6 chapter. Notwithstanding section 8.33, any moneys in the fund
12 7 shall not revert. Notwithstanding section 12C.7, subsection
12 8 2, interest or earnings on moneys deposited in the fund shall
12 9 be credited to the fund.
12 10 Sec. 14. Section 714H.2, Code 2011, is amended by adding the
12 11 following new subsections:
12 12 NEW SUBSECTION. 7A. "Political organization" means a
12 13 political party, a candidate for office, or a political action
12 14 committee required to file financial information with federal
12 15 or state election or campaign commissions.
12 16 NEW SUBSECTION. 7B. "Religious organization" means
12 17 a religious corporation, trust, foundation, association,
12 18 or organization incorporated or established for religious
12 19 purposes.
12 20 Sec. 15. Section 714H.3, subsection 1, Code 2011, is amended
12 21 to read as follows:
12 22 1. A person shall not engage in a practice or act the
12 23 person knows or reasonably should know is an unfair practice,
12 24 deception, fraud, false pretense, or false promise, or the
12 25 misrepresentation, concealment, suppression, or omission of
12 26 a material fact, with the intent that others rely upon the
12 27 unfair practice, deception, fraud, false pretense, false
12 28 promise, misrepresentation, concealment, suppression, or
12 29 omission in connection with the advertisement, sale, or lease
12 30 of consumer merchandise, or the solicitation of contributions
12 31 for charitable purposes. For the purposes of this chapter,
12 32 a claimant alleging an unfair practice, deception, fraud,
12 33 false pretense, false promise, or misrepresentation must prove
12 34 that the prohibited practice related to a material fact or
12 35 facts. "Solicitations of contributions for charitable purposes"



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13 1 does not include solicitations made on behalf of a political
13 2 organization ~~as defined in section 13C.1~~, solicitations made
13 3 on behalf of a religious organization ~~as defined in section~~
~~13 4 13C.1~~, solicitations made on behalf of a state, regionally, or
13 5 nationally accredited college or university, or solicitations
13 6 made on behalf of a nonprofit foundation benefiting a state,
13 7 regionally, or nationally accredited college or university
13 8 subject to section 509(a)(1) or 509(a)(3) of the Internal
13 9 Revenue Code of 1986.

13 10 Sec. 16. APPROPRIATIONS ==== CHARITABLE SOLICITATIONS
13 11 ADMINISTRATION.

13 12 1. There is appropriated from the consumer education and
13 13 litigation fund created in section 714.16C to the department
13 14 of justice for the fiscal period beginning July 1, 2011, and
13 15 ending June 30, 2013, the following amount, or so much thereof
13 16 as is necessary, to be used for the purposes designated:

13 17 For supporting the administration and enforcement of this
13 18 Act, including the registration of charitable organizations
13 19 and professional fund=raisers and the collection and public
13 20 dissemination of information:

13 21 \$ 125,000

13 22 2. The department of justice shall repay the amount
13 23 appropriated in subsection 1 to the consumer education
13 24 and litigation fund from the charitable solicitations
13 25 administration fund, as created in this Act, not later than
13 26 June 30, 2013.

13 27 Sec. 17. REPEAL. Chapter 13C, Code 2011, is repealed.

13 28 Sec. 18. EFFECTIVE DATE. Except as otherwise provided in
13 29 this Act, this Act takes effect January 1, 2012.

13 30 Sec. 19. EFFECTIVE DATE. The section of this Act
13 31 appropriating moneys to the department of justice from the
13 32 consumer education and litigation fund takes effect July 1,
13 33 2011.

13 34 EXPLANATION

13 35 GENERAL. This bill provides for solicitations for



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14 1 contributions by or on behalf of a charitable organization.
14 2 The bill eliminates Code chapter 13C referring to the same
14 3 subject and rewrites those provisions in proposed new Code
14 4 chapter 13D.

14 5 The bill regulates charitable organizations that solicit
14 6 contributions for a charitable purpose associated with a
14 7 benevolent, educational, philanthropic, humane, scientific,
14 8 patriotic, social welfare or advocacy, public health,
14 9 environmental, conservation, civic, or other charitable
14 10 objective.

14 11 CHARITABLE ORGANIZATION. The bill contains a number of new
14 12 provisions regulating a charitable organization. According to
14 13 the bill, a charitable organization must be registered with
14 14 the attorney general prior to soliciting contributions in this
14 15 state. The registration statement must include information
14 16 regarding its business and fund-raising activities. The
14 17 charitable organization must also file amendment statements
14 18 that reflect material changes to the organization. The
14 19 charitable organization must file a financial report which
14 20 includes information for the charitable organization's most
14 21 recent fiscal year as provided by the attorney general or, in
14 22 the discretion of the attorney general, a copy of a completed
14 23 federal tax form 990 filed by nonprofit organizations. A
14 24 charitable organization with annual collection receipts
14 25 equalling more than \$100,000 must also pay a filing fee with
14 26 the fee based on the amount of receipts collected by the
14 27 charitable organization.

14 28 The bill provides for a number of exceptions from
14 29 the registration requirements, which apply to religious
14 30 organizations; political parties, political candidates,
14 31 and political action committees; organizations that receive
14 32 contributions from 10 persons or less; foundations including
14 33 those associated with the state board of regents and community
14 34 colleges; and member organizations which are fraternal,
14 35 patriotic, social, educational, alumni, professional, or trade



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15 1 associations which restrict solicitations to the members of the
15 2 organization.

15 3 The bill authorizes the attorney general to cooperate with
15 4 the federal government and state government to establish a
15 5 state electronic filing project.

15 6 PROFESSIONAL COMMERCIAL FUND=RAISERS. The bill provides for
15 7 the registration of professional commercial fund=raisers who
15 8 for compensation solicit contributions in Iowa for a charitable
15 9 organization (but does not include attorneys, investment
15 10 advisers, or investment adviser representatives regulated
15 11 under Code chapter 502, persons engaged in banking, persons
15 12 soliciting contributions pursuant to contracts with political
15 13 or religious organizations). The bill rewrites provisions
15 14 contained in Code section 13C.2. It retains requirements that
15 15 prohibit a person from soliciting contributions for charitable
15 16 purposes in this state unless the professional commercial
15 17 fund=raiser registers with the attorney general. It eliminates
15 18 a number of requirements in Code section 13C.2, including
15 19 (1) the option to forgo registration by promising to provide
15 20 financial disclosure information to a person or government
15 21 entity requesting the information and (2) a provision requiring
15 22 the confidentiality of client lists owned by a professional
15 23 commercial fund=raiser. The bill increases the fee required
15 24 for registering from \$10 to \$100.

15 25 USE OF A CHARITABLE ORGANIZATION'S NAME. The bill retains
15 26 other provisions from Code chapter 13C, including provisions in
15 27 Code section 13C.3, which prohibit a charitable organization
15 28 from soliciting contributions for a charitable purpose where
15 29 the organization claims that a portion of or all of the
15 30 contributions received will be given to another charitable
15 31 organization in this state, without permission from the other
15 32 charitable organization.

15 33 ADMINISTRATION. The bill retains a provision that delegates
15 34 rule making authority to the attorney general, and authorizes
15 35 the attorney general to promulgate forms.



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16 1 FUNDING. The bill establishes a charitable solicitations
16 2 administration fund under the control of the attorney general.
16 3 Moneys collected by the attorney general under the bill are
16 4 deposited in the fund, and are appropriated from the fund for
16 5 the use by the attorney general in administering and enforcing
16 6 its provisions.

16 7 APPROPRIATIONS. The bill appropriates moneys to the
16 8 department of justice from the consumer education and
16 9 litigation fund for the fiscal period beginning July 1, 2011,
16 10 and ending June 30, 2013. The department must repay the moneys
16 11 at the end of that period.

16 12 PENALTIES. The bill also retains language from Code section
16 13 13C.8 which provides the attorney general with enforcement
16 14 authority, and makes a violation of the Code chapter an
16 15 unlawful practice under Code section 714.16(2)(a). Code
16 16 section 714.16(7) authorizes the attorney general to bring an
16 17 equitable proceeding to restrain a person from a continuing
16 18 violation. The attorney general may also request the court
16 19 impose a civil penalty not to exceed \$40,000.

16 20 EFFECTIVE DATE. Generally the bill takes effect on January
16 21 1, 2012. The section of the bill making an appropriation
16 22 to the department of justice from the consumer education and
16 23 litigation fund takes effect July 1, 2011.

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